THE GOVERNMENT OF HYDERABAD

LAW DEPARTMENT

THE HYDERABAD CODE

(IN FIVE VOLUMES)

VOLUME V

UNREPEALED HYDERABAD ACTS

1955—1956

(1-1-1955 to 31-8-1956)

Published by Authority

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PREFACE.

THIS is the first attempt on the part of the Law Department to codify all the laws of the Hyderabad State and to publish them in the form of a Code. This Code contains almost all unrepealed laws of the State from 1305 Fasli, (1895 A. D.) till the end of August, 1956.

The position of Hyderabad State laws had varied from time to time with the political vicissitudes in the State. Prior to the Police Action (1948) the Ruler of the State had full legislative powers. There used to be a Legislative Council, which passed laws, which were promulgated as Acts with the sanction of the Ruler. The authoritative text of these Acts is in Urdu and they were numbered according to the Fasli calendar, which was then in vogue. Their record was fully maintained in the Law Department.

Apart from the above Acts, the Ruler used to promulgate Regulations (Dasturulamals), as and when necessary, without the medium of the Legislative Council, by issuing Firmans at the instance of various administrative Departments, without the scrutiny or knowledge of the Law Department. The record of such Regulations was not maintained in the Law Department, although they have the full force of law. Some laws of this category were nomenclated as "A'ins" and some as "Rules" both of them having the force of law. As no record was available of the laws of this category, it was found very difficult to examine all the old Gazettes and collect them within the span of time allotted for the publication of the Code. An attempt was, however, made to trace out these laws from the Gazettes and a tentative list was prepared, but it cannot be said to be exhaustive. A large number of these laws have spent themselves and have become dead letters, leaving only a few of them still in force. The authoritative text of these laws is in Urdu.

After the Police Action till the commencement of the Constitution, the legislative powers were exercised at first by the Military Governor and after him by the Chief Minister. The laws enacted during this period were called Regulations, and they were numbered according to the Fasli Calendar, but their authoritative text is in English.

After the commencement of the Constitution till the Constitution of the Hyderabad Legislative Assembly in 1952, the legislative powers continued to be exercised by the Chief Minister, subject to the provisions of the Constitution. The laws enacted during this period were called Acts and they were numbered according to the British Calendar. The authoritative text of these Acts is in English.

It will be seen from the above that while the laws of the State enacted before the Police Action are all in Urdu, those enacted after the Police Action are in English. Another peculiar feature is that all the amendments made after the Police Action in the pre-Police Action Urdu laws are in English with the result that the authoritative text of these laws is partly in Urdu and partly in English. In view of this confusing condition of the laws of this State, no attempt was so far made to publish them in the form of a Code. However, in connection with the Reorganisation of States it has now become an urgent necessity to make available to the successor States and the people a collection of the State laws in the form in which they now stand.

This Code is published in five volumes. Volumes I and II contain the laws from 1305 Fasli (1895 A. D.) to the end of 1357 F. (September, 1948) i. e., till the Police Action. In order to facilitate those, who do not understand Urdu, these two Volumes are printed in diglot style, and English translation of only such portion of the text which is Urdu is given under the column headed "Translation".

The other volumes, namely, Volume III contains the laws from October, 1948 to the end of 1951, Volume IV the Acts from 1952 to 1954 and Volume V the Acts from 1955 to the end of

August, 1956. There are a few bills which have been passed by the Assembly, some of which are reserved for the assent of the President and the others sent to Rajpramukh for his assent. They will be published in the form of a supplement to this Code.

The enactments included in this edition are printed as modified upto the end of August, 1956. Amending Acts which make textual amendments to the Principal Acts have been omitted, except those which amend the Central Acts or where the amending Act is such that its printing is necessary.

The pages of each volume are numbered separately and they are issued in the style of a loose leaf binder, in order to make it easier to replace the corrected pages and to keep the Volume up-to-date.

The enactments have been printed in chronological order. A chronological table is prefixed to each Volume. An Alphabetical index of Acts included in the Volume is also annexed at the end of each Volume.

In view of the urgency occasioned due to the States Reorganisation and the consequent trifurcation of Hyderabad State, this edition consisting of five volumes had to be brought out within a period of less than three months. Any shortcomings in the execution of the work will, therefore, have to be viewed in this context and also keeping in view the magnitude and the nature of work involved.

Due to the paucity of time, a part of this work had to be done in private undertakings. This Department takes this opportunity to thank the Government Press and other private concerns who have contributed to the quick completion of the work and also the staff of the Law Department including Translation Section who have been entrusted with this work.

CHANDRAKANT RAO GODSAY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Hyderabad–Deccan,
4th September, 1956.

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THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, 1955.

No. I of 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and Commencement.

2. Issue of Rs. 1,78,34,064 out of the Consolidated Fund of the State of Hyderabad for the year 1954-55.

3. Appropriation.

Schedule.

* THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT, 1955.

No. I of 1955.

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on 31st day of March, 1955.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on 31st day of March, 1955 ;

BE it enacted in the Sixth Year of Our Republic as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad State Supplementary Appropriation Act, 1955.

(2) It shall come into force at once.

Issue of Rs. 1,78,34,064 out of the Consolidated Fund of the State of Hyderabad for the year 1954-55.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in the aggregate to the sum of rupees one crore, seventy-eight lakhs, thirty-four thousand and sixty-four, towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1955 in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1955.

[Statement

* Published in Gazette Extraordinary No. 22, dated 22nd March, 1955.

SCHEDULE.

(See Sections 2 and 3)

S. No.	Services and purposes	Sums not Exceeding: Charged on the Consolidated Fund.	Other expenditure to be met out of the Consolidated Fund.	Total
1	2	3	4	5
	A-Revenue Expenditure	Rs.	Rs.	Rs.
1.	7-Land Revenue	..	5,03,600	5,03,600
2.	9-Stamps	..	3,910	3,910
3.	13-Other Taxes & Duties ..	..	1,12,600	1,12,600
4.	18-Other Revenue Expenditure financed from Ordinary Revenues ..	..	7,42,000	7,42,000
5.	22-Interest on Debt and other obligations ..	6,600	..	6,600
6.	25-General Administration ..	..	1,28,897	1,28,897
7.	27-Administration of Justice	..	2,50,100	2,50,100
8.	29-Police	..	4,80,000	4,80,000
9.	37-Education	..	5,34,926	5,34,926
10.	38-Medical	..	93,574	93,574
11.	39-Public Health	..	6,64,654	6,64,654
12.	40-Agriculture	..	1,16,700	1,16,700
13.	41-Veterinary	..	1,30,274	1,30,274
14.	42-Co-operation	..	15,000	15,000
15.	43-Industries and Supplies ..	..	3,46,956	3,46,956
16.	47-Miscellaneous Departments	..	25,41,164	25,41,164

SCHEDULE—(Contd.)

1	2	3	4	5
17.	50-Civil Works	..	9,51,072	9,51,072
18.	XLI-Electricity Schemes Working Expenses ..	..	1,13,880	1,13,880
19.	54-Famine	..	1,00,893	1,00,893
20.	54-A. Territorial & Political Pensions	..	4,98,413	4,98,413
21.	56-Stationery & Printing ..	..	20,100	20,100
22.	57-Miscellaneous	..	16,28,091	16,28,091
23.	63-B. Community Development Programme ..	..	25,87,000	25,87,000
	Total Expenditure on Revenue Account	6,600	1,25,63,804	1,25,70,404
	B-Capital Account			
24.	68-Construction of Irrigation, etc. (Works) ..	..	300	300
25.	81-Capital Outlay on Civil Works	..	3,54,560	3,54,560
26.	82-Other Provincial Works ..	..	49,08,000	49,08,000
	Total Capital Account ..	..	52,62,860	52,62,860
	C-Debt Heads ..	..	800	800
	Grand Total ..	6,600	1,78,27,464	1,78,34,064

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THE HYDERABAD STATE APPROPRIATION ACT, 1955.

No. II of 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.

2. Issue of Rs. 58,96,43,587 out of the Consolidated Fund of the State of Hyderabad for the year ending on 31st day of March, 1956.

3. Appropriation.

SCHEDULE.

THE HYDERABAD STATE APPROPRIATION ACT, 1955.

No. II of 1955.

(Received the assent of the Rajpramukh on 31st March, 1955; assent first published in the Hyderabad Gazette Extraordinary on the 31st March, 1955).

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1956.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1956.

BE it enacted in the Sixth Year of Our Republic as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad State Appropriation Act, 1955.

(2) It shall come into force at once.

Issue of Rs. 58,96,43,587 out of the Consolidated Fund of the State of Hyderabad for the year ending on 31st day of March, 1956.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in the aggregate to the sum of rupees fifty-eight crores, ninety-six lakhs, forty-three thousand five hundred and eighty-seven towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1956, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act, shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1956.

SCHEDULE

(See sections 2 and 3)

Sl. No.	Services and purposes	Heads of Account	Sums not exceeding: Voted by the Legislative Assembly	Charged to the Consolidated Fund	Total
1	2	3	4	5	6
1.	Taxes on Income other than Corporation Tax	4. Taxes on Income other than Corporation Tax	60,000		60,000
2.	Land Revenue	7. Land Revenue	96,82,000		96,82,000
3.	State Excise Duties	8. State Excise Duties	75,09,530	1,18,470	76,28,000
4.	Stamps	9. Stamps	3,03,000		3,03,000
5.	Forest	10. Forest	41,89,000		41,89,000
6.	Registration	11. Registration	4,35,000		4,35,000
7.	Charges on account of Motor Vehicles Act of 1939	12. Charges on account of Motor Vehicles Acts	16,00,000		16,00,000
8.	Other Taxes and Duties	13. Other Taxes and Duties	31,00,000		31,00,000
9.	Irrigation works:—Works for which Capital Accounts are kept	XVII—Irrigation, etc., works for which Capital Accounts are kept:—Working Expenses	11,44,600		11,44,600
10.	Other Revenue expenditure financed from ordinary Revenues	18. Other Revenue expenditure financed from ordinary Revenues	1,44,22,000		1,44,22,000
11.	Interest on Debt and other obligations	22. Interest on Debt and other obligations		1,86,59,000	1,86,59,000
12.	Appropriation for Reduction or Avoidance of Debt	23. Appropriation for Reduction or Avoidance of Debt		2,79,71,400	2,79,71,400
13.	General Administration	25. General Administration	1,80,69,900	3,55,200	1,84,25,100

SCHEDULE—(*Contd.*)

(*See sections* 2 *and* 3)

Sl. No.	Services and purposes	Heads of Account	Sums not exceeding Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	5	6
14.	Administration of Justice ..	27. Administration of Justice ..	46,52,500	8,94,500	55,47,000
15.	Jails and Convict Settlements ..	28. Jails and Convict Settlements ..	25,61,000	..	25,61,000
16.	Police	29. Police	3,09,94,000	..	3,09,94,000
17.	Scientific Departments	36. Scientific Departments	4,01,000	..	4,01,000
18.	Education	37. Education	6,08,61,000	..	6,08,61,000
19.	Medical	38. Medical	1,32,96,053	..	1,32,96,053
20.	Public Health	39. Public Health	1,00,76,408	..	1,00,76,408
21.	Agriculture	40. Agriculture	86,29,926	..	86,29,926
22.	Veterinary	41. Veterinary	27,44,347	..	27,44,347
23.	Co-operation	42. Co-operation	25,23,500	..	25,23,500
24.	Industries and Supplies	43. Industries and Supplies	57,70,636	..	57,70,636
25.	Miscellaneous Departments ..	47. Miscellaneous Departments ..	1,00,78,600	..	1,00,78,600
26.	Civil Works	50. Civil Works	2,41,58,100	..	2,41,58,100
27.	Other Revenue Expenditure connected with Electricity Schemes	52. Other Revenue Expenditure connected with Electricity Schemes	91,145	..	91,145

28.	Electricity Schemes: Working Expenses	.. XLI. Working Expenses	94,28,662	8,35,000	1,02,63,662
29.	Road Transport Department	.. XLVI. A: Receipts from Road Transport Department: Working Expenses	2,52,90,000	10,54,000	2,63,44,000
30.	Famine	.. 54. Famine Relief	1,00,000	..	1,00,000
31.	Territorial and Political Pensions	.. 54-A. Territorial and Political Pensions .	11,38,500	2,29,500	13,68,000
32.	Superannuation Allowances and Pensions	55. Superannuation Allowances and Pensions	1,77,09,400	3,40,600	1,80,50,000
33.	Commuted Value of Pensions	.. 55-A. Commuted value of Pensions financed from Ordinary Revenues .	6,00,000	..	6,00,000
34.	Stationery and Printing ..	.. 56. Stationery and Printing	31,70,000	..	31,70,000
35.	Miscellaneous	.. 57. Miscellaneous	2,71,23,110	..	2,71,23,110
36.	Community Development Projects, National Extension Service and Local Development Works	63-B. Community Development Projects, National Extension Service and Local Development Works	2,42,93,000	..	2,42,93,000
	Total Expenditure on Revenue Account ..		.. 34,62,05,917	5,04,57,670	39,66,63,587
37.	Irrigation	.. 68. Construction of Irrigation Works, etc.	5,55,97,000	..	5,55,97,000
38.	Improvement of Public Health	.. 70. Capital Outlay on Improvement of Public Health	71,36,000	..	71,36,000
39.	Schemes of Agricultural Improvement	71. Capital Outlay on Schemes of .. Agricultural Improvement ..	8,00,000	..	8,00,000
40.	Multi-purpose River Schemes	.. 80-A. Capital Outlay on Multi-purpose River Schemes	1,45,86,000	..	1,45,86,000
41.	Civil Works	.. 81. Capital Account of Civil Works outside the Revenue Account ..	78,46,000	..	78,46,000
42.	Electricity Schemes ..	.. 81-A. Capital Outlay on Electricity Schemes	1,93,49,000	..	1,93,49,000

SCHEDULE—(*Contd.*)

(*See sections 2 and 3*)

Sl. No.	Services and purposes	Heads of Account	Sums not exceeding Voted by the Legislative Assembly	Charged on the Consolidated Fund	Total
1	2	3	4	5	6
43.	Capital Account of Other State Works	82. Capital Account of other State Works outside the Revenue Account	2,31,31,000	..	2,31,31,000
44.	Road Transport	82-B. Capital Outlay on Road Transport Schemes outside the Revenue Account	47,68,000	..	47,68,000
45.	Payment of commuted value of Pensions	83. Payment of commuted value of Pensions	6,00,000	..	6,00,000
46.	State Schemes of State Trading ..	85.A. Capital Outlay on State Schemes of State Trading	55,00,000	..	55,00,000
	Total Capital Expenditure outside the Revenue Account		13,93,13,000	..	13,93,13,000
47.	Repayment of Debt	N-Public Debt—Discharged	..	1,80,24,000	1,80,24,000
48.	Loans and Advances by the State Government	P-Loans and Advances by the State Government	3,20,52,000	..	3,20,52,000
49.	Loans and Advances	Advances Repayable	35,91,000	..	35,91,000
	Total Disbursements under Debt Heads		3,56,43,000	1,80,24,000	5,36,67,000
		Grand Total ..	52,11,61,917	6,84,81,670	58,96,43,537

THE HYDERABAD PUBLIC LIBRARIES ACT, 1955.

No. III of 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. State Library Authority and the State Library Council.
4. Constitution of the Department of Public Libraries, appointment of the Director and his duties.
5. Constitution and functions of the Local Library Authorities.
6. Incorporation of Local Library Authorities.
7. Executive Committees and Sub-Committee of Local Library Authorities.
8. Schemes to be submitted by Local Library Authorities.
9. Powers of Local Library Authorities.
10. Vesting of properties in Local Library Authorities.
11. Making of Bye-laws by Local Library Authorities.
12. Library Cess.
13. Library Fund.
14. Maintenance of accounts.
15. Supersession or reconstitution of Library Authorities.
16. Reports and Returns.
17. Inspection of Libraries.
18. Power to make rules.
19. Copyright privilege.

THE HYDERABAD PUBLIC LIBRARIES ACT, 1955.

No. III of 1955.

(Received the assent of the Rajpramukh on 4th April, 1955; assent first published in the Hyderabad Gazette Extraordinary on the 5th April, 1955).

An Act to provide for the establishment and maintenance of Public libraries in the State of Hyderabad and the organisation and the development of a comprehensive rural and urban library service therein.

Preamble.

WHEREAS it is expedient to provide for the establishment and maintenance of public libraries, and the organisation and development of a comprehensive rural and urban library service in the State of Hyderabad ;

BE it enacted in the Sixth Year of our Republic as follows:—

(1) Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Public Libraries Act, 1955.

(2) It extends to the whole of the State of Hyderabad.

(3) This section shall come into force at once; and the rest of this Act shall come into force on such date and in such areas as the Government may, by notification, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

(1) 'Aided library' means a library declared by the Director to be eligible for aid from the Library Fund;

(2) 'Council' means the State Library Council constituted under section 3;

(3) 'Director' means the Director of Public Libraries appointed under section 4;

(4) 'District' means a revenue district;

(5) 'Library Cess' means the rate or assessment authorised by this Act for the purpose of carrying the Act into execution;

(6) 'Notification' means a notification published in the official Gazette;

(7) 'prescribed' means prescribed by rules made under this Act;

(8) 'Public library' includes—

(a) a library established or maintained by a Local Library Authority, and the branches and delivery stations of such a library;

(b) a library established and maintained by Government and declared open to public;

(c) a library established and maintained by any Local Body and declared open to public;

(d) a library declared to be eligible for aid from the Library Fund;

(9) 'year' means the financial year.

(ii) State Library Authority and State Library Council.

State Library Authority and the State Library Council.

3. (1) For the purposes of this Act the Minister for Education (hereinafter referred to as the Minister) shall be the State Library Authority.

(2) The State Library Authority shall promote the formation of the Local Library Authorities and take suitable steps to establish a Public Library System.

(3) The Government shall, by notification constitute a State Library Council consisting of—

1. The Minister;
2. The Minister for Local Self-Government;
3. The Secretary, Education Department;
4. The Director of Public Instruction;
5. The Director of Public Libraries;
6. The Librarian, State Central Library;
7. Two persons elected by the State Legislature;
8. One person appointed by the Executive Council of the Osmania University;
9. One person appointed by the Executive of the Hyderabad Library Association;
10. Two persons appointed one each by the Corporations of Hyderabad and Secunderabad;
11. Three persons appointed by the All-Hyderabad Local Bodies Conference;
12. One person with special knowledge of Library Science nominated by the Minister; and
13. One person each appointed by every Local Library Authority.

(4) The Minister shall be the President of the Council and the Director shall be the Secretary thereof.

(5) The Council shall advise the Government on all matters arising under this Act and exercise such powers and perform such functions as may be prescribed.

(6) Members of the Council shall hold office for three years from the date of their elections or appointment, as the case may be.

(iii) The Department of Public Libraries and The Director

Constitution of the Department of Public Libraries, appointment of the Director and his duties.

4. For the purposes of this Act the Government shall constitute a separate department of Public Libraries and either appoint a separate Director for that department or appoint the Director of Public Instruction to be the Director of Public Libraries. The Director so appointed shall subject to the control of the State Library Authority—

(a) manage, if appointed as Librarian, the State Central Library, together with the branches of such library;

(b) superintend and direct all matters relating to public libraries;

(c) declare, in accordance with the rules made under this Act, what libraries are eligible for aid from the Library Fund and superintend and direct all matters relating to such libraries;

(d) superintend and control the work of all Local Library Authorities under this Act in the manner as may be prescribed from time to time;

(e) submit to the Government every year a report on the working of libraries under this Act in the previous year;

(f) perform such duties and exercise such other powers as directed by the Council in the prescribed manner; and

(g) perform such other duties and exercise such other powers as are imposed or conferred by this Act or the rules made thereunder.

(iv) Local Library Authorities.

Constitution and functions of the Local Library Authorities.

5. (1) For the purpose of organising and administering public libraries in the State, there shall be constituted Local Library Authorities, one for the City of Hyderabad, one for the city of Secunderabad and one for each district.

(2) It shall be the duty of every Local Library Authority to provide Library Service in its area.

(3) The Local Library Authority for the city of Hyderabad shall consist of—

(a) nine members nominated by the Government of whom three shall be from the public libraries of the city and one from the Hyderabad Library Association;

(b) five members nominated by the Hyderabad Municipal Corporation; and

(c) the Librarian, City Public Library, as and when established by the Local Library Authority for Hyderabad city.

(4) The Local Library Authority for the city of Secunderabad shall consist of—

(a) five members nominated by the Government of whom two shall be from the public libraries of the city and one from the Hyderabad Library Association;

(b) three members nominated by the Secunderabad Municipal Corporation; and

(c) the Librarian, City Public Library, as and when established by the Local Library Authority for the city of Secunderabad.

(5) The Local Library Authority for each district shall consist of—

(a) six members nominated by the Government of whom two shall be from the public libraries, one from the City Municipal Committees, one from the Town Committees and one from the Village Panchayats of the District;

(b) two members, one nominated by the City Municipal Committee of the District Headquarters or in the absence of any City Municipal Committee at the District Headquarters by the largest Municipal Committee in the district and one by the District Board;

(c) the Librarian, District Public Library, as and when established by the Local Library Authority of the District.

(6) Every Local Library Authority shall elect one of its members to be its Chairman.

(7) The Librarian of the City or the District Public Libraries connected shall be the Secretary of the respective Local Library Authority. Until the appointment of a Secretary is made, Government shall nominate any one member of the Local Library Authority as Convenor.

(8) Members of a Local Library Authority shall hold office for three years from the date of their appointment.

(9) A vacancy in the office of a member of a Local Library Authority occurring otherwise than by efflux of time shall be filled by nomination in accordance with the provisions of sub-sections (2), (3) and (4), as the case may be, and the person nominated to fill the vacancy shall hold office only for the remainder of the term for which the member, whose place he takes, was appointed.

(10) Members of Local Library Authorities shall be eligible for reappointment.

Incorporation of Local Library Authorities.

6. Every Local Library Authority shall be a body corporate, by the name of the area for which it is constituted, shall have perpetual succession and a common seal and shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding or transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper or expedient for the purpose for which it is constituted.

Executive Committees and Sub-committee of Local Library Authorities.

7. (1) A Local Library Authority may appoint an Executive Committee consisting of such number of its members, not exceeding five, as it may deem fit and delegate to such Committee all or any of its powers or duties under this Act.

(2) A Local Library Authority may also from time to time appoint sub-committees to enquire into and report or advise on any matters which it may refer to them.

Schemes to be submitted by Local Library Authorities.

8. (1) As soon as possible after a Local Library Authority is constituted, and thereafter as often as may be required by the Director, every Local Library Authority shall, and whenever it considers it necesary so to do a Local Library Authority may, prepare a scheme for establishing libraries and for spreading library service within its area and submit it to the State Library Authority for sanction through the Director. The State Library Authority may sanction it with such modifications and additions, if any, as he may think fit, and the Local Library Authority shall give effect to the scheme as sanctioned by him.

(2) The State Library Authority may **suo motu** or on application by the Local Library Authority concerned modify any scheme sanctioned under sub-section (1) or replace it by a new scheme.

Powers of Local Library Authorities.

9. A Local Library Authority may—

(a) provide suitable lands and buildings for public libraries and also the furniture, fittings, materials and conveniences requisite therefor;

(b) stock such libraries with books, periodicals, newspapers, maps, works and specimens of art and science, lantern slides, cinema reels and other things suitable for their purpose;

(c) employ from time to time such staff as it considers necessary for such libraries;

(d) with the previous sanction of the State Library Authority, change the site of or close any public library mentioned in sub-clause (a) of caluse (8) of section 2 or discontinue aid to any other public library;

(e) accept any gift or endowment for any purpose connected with its activities, provided that the previous sanction of State Library Authority is taken for accepting any gift or endowment of immovable property;

(f) provide for lectures and the holding of classes; and

(g) in general, do everything necessary to carry out the provisions of this Act.

Vesting of properties in Local Library Authorities.

10. All property movable or immovable acquired or held in any area by the Local Library Authority for the purposes of any public library mentioned in sub-clause (a) of clause (8) of section 2 shall vest in the Local Library Authority of that area.

Making of Bye-laws by Local Library Authorities.

11. (1) Subject to the provisions of this Act and the rules made thereunder, a Local Library Authority may make Bye-laws, generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the provisions contained in sub-section (1), such bye-laws may provide for—

(a) the admission of the public to the public libraries in its area on such conditions as it may specify; provided that no fees shall be charged for admission to such public libraries;

(b) requiring from persons desiring to use such libraries any guarantee or security against injury to, or misuse, destruction or loss of the property of such libraries;

(c) the manner in which the property of such libraries may be used and the protection of such property from injury, misuse, destruction, or loss; and

(d) authorising its officers and servants to exclude or remove from any such library any person who contravenes or fails to comply with the provisions of this Act or the rules or Bye-laws made thereunder.

(3) The State Library Authority may, in their discretion, modify or cancel any Bye-law made by a Local Library Authority under sub-section (2):

Provided that before modifying or cancelling any Bye-law, the State Library Authority shall give the Local Library Authority concerned a reasonable opportunity to make its representations in the matter.

(v) **Finance and Accounts.**

Library Cess.

12. (1) (a) Every Local Library Authority shall levy in its area a library cess in the form of a surcharge

on the property tax or house tax levied in such area under the Hyderabad Municipal Corporations Act, 1950 (XXXVI of 1950), the Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951), the Hyderabad Village Panchayat Act, 1951 (VIII of 1951) or the Hyderabad District Boards A'in, 1352 Fasli, as the case may be, at the rate of six pies for every whole rupee in the property tax or house tax so levied.

(b) A Local Library Authority may, with the previous sanction of the Government and shall, if so directed by them, increase the rate specified in clause (a).

(2) The cess levied under sub-section (1) shall be collected—

(a) in the city of Hyderabad, by the Municipal Corporation of Hyderabad;

(b) in the city of Secunderabad, by the Municipal Corporation of Secunderabad;

(c) in an area within the jurisdiction of a Municipal or Town Committee by such committee;

(d) in area within the jurisdiction of a Panchayat by the Panchayat; and

(e) in an area in a district not included within the jurisdiction of a Municipal or Town Committee or a Panchayat, by the District Board—as if the cess were a property tax or house tax payable under the Hyderabad Municipal Corporations Act, 1950, the Hyderabad Municipal and Town Committees Act, 1951, the Hyderabad Village Panchayat Act, 1951, or the Hyderabad District Boards Act A'in 1352 Fasli, as the case may be, and all the relevant provisons of the said Acts shall apply acordingly:

Provided that the Government may, by notification direct that, for the purposes of the collection of the cess aforesaid, the provisions of any of the aforesaid Acts applicable to the concerned area, shall apply, subject to such modifications as may be specified in the notification.

(3) The cess collected under sub-section (2) shall be paid to the Local Library Authority concerned by the Municipal Corporations of Hyderabad and Secunderabad, the Municipal or Town Committees, the Panchayat or the District Board, as the case may be.

Library Fund.

13. (1) Every Local Library Authority shall maintain a fund called the 'Library Fund' from which all its payments under this Act shall be met.

(2) There shall be credited to the Library Fund the following sums, namely:—

(a) the cess collected under sub-section (2) of section 12;

(b) contributions, gifts and income from endowments made for the benefit of public libraries;

(c) special grants which the Government may make for any specific purpose connected with libraries; and

(d) fees, fines and other amounts collected by the Local Library Authority under any rules or regulations made under this Act.

(3) The Government shall contribute to the Library Fund maintained by every Local Library Authority other than the Hyderabad City Local Library Authority, a sum not less than the cess collected under sub-section (2) of section 12.

Maintenance of accounts.

14. (1) An account shall be kept of the receipts and expenses of each Local Library Authority.

(2) The account shall be open to such inspection, shall be subject to such audit, disallowance and surcharge and shall be dealt with in all other respects in such manner, as may be prescribed.

Supersession or reconstitution of Library Authorities.

15. Notwithstanding any provision in this Act, the Government may, in cases where they think it necesssary to do so, supersede or reconstitute any Local Library Authority constituted under this Act:

Provided, however, the Government shall give notice to the authority concerned together with the grounds on which they propose to supersede or reconstitute it and shall consider any explanation that may be offered by such Authority.

(vi) Reports, Returns and Inspection.

Reports and returns.

16. Every Local Library Authority and every person in charge of a public library shall submit such reports and returns and furnish such information to the Director or any person authorised by him, as the Director or the person authorised may, from time to time, require.

Inspection of Libraries.

17. The Director or any person authorised by him may inspect any public library or any institution attached thereto for the purpose of satisfying himelf that the provisions of this Act and the rules and Bye-laws thereunder are duly carried out.

(vii) **Rules.**

Power to make rules.

18. (1) The Government may, by notification, make rules consistent with this Act to carry out the purposes thereof.

(2) In particular and without prejudice to the generality of the powers contained in sub-section (1), such rules may provide for—

(a) all matters required or allowed to be prescribed under this Act;

(b) the method of appointment of members;

(c) the matters to be included in the scheme referred to in section 8;

(d) the maintenance of the minutes of the proceedings of Local Library Authorities;

(e) the publication of audited statements of the accounts of such authorities and of the reports of the auditors; and

(f) a Library Grant-in-aid Code, regulating the aid to and the declaration, inspection and co-ordination of aided libaries and the standards to be maintained by such libraries.

(viii) **Miscellaneous.**

Copyright privilege.

19. The Asafia State Library which shall hereafter be the State Central Library, shall receive two free copies of all the publications published in the State.

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THE HYDERABAD SUITS AGAINST THE GOVERNMENT (REPEALING) ACT, 1955.

No. V of 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title and commencement.
2. Repeal of Hyderabad Act, V of 1320 F. and saving of pending application.

*THE HYDERABAD SUITS AGAINST THE GOVERNMENT (REPEALING) ACT, 1955.

No. V of 1955.

An Act to repeal the Hyderabad Suits Against the Government Act, 1320 Fasli (V of 1320 Fasli).

Preamble.

WHEREAS it is expedient to repeal the Hyderabad Suits Against the Government Act, 1320 Fasli (V of 1320 Fasli);

BE it enacted in the Sixth Year of Our Republic as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad Suits Against the Government (Repealing) Act, 1955.

(2) It shall come into force at once.

Repeal of Hyderabad Act V of 1320 F., and saving of pending application.

2. (1) The Hyderabad Suits Against the Government Act, 1320 Fasli (hereinafter referred to as the said Act) is hereby repealed.

(2) Notwithstanding such repeal, any application made under the said Act for permission to sue the Government, which is pendinng on the date of commencement of this Act, shall be disposed of in accordance with the provisions of the said Act as if this Act had not been passed.

——:o:——

* Published in Gazette Extraordinary No. 46, dated 29th April, 1955.

THE HYDERABAD MOTOR VEHICLES TAXATION ACT, 1955.

No. VI of 1955.

CONTENTS.

PREAMBLE.

SECTIONS.

1. Short title, extent and commencement.
2. Definitions.
3. Motor Vehicle Tax.
4. Payment of tax and issue tax token.
5. Refund of tax.
6. Temporary tax token.
7. Display of tax token.
8. Declaration by person having possession of a Motor Vehicle.
9. Payment of additional tax.
10. Liability to pay arrears of tax.
11. Power of Police Officer to stop a Motor Vehicle.
12. Utilisation of the proceeds of the tax.
13. Penalty for failure to pay tax.
14. Recovery of tax as arrears of Land Revenue.
15. Other penalties.
16. Trial of offences.
17. Exemptions.
18. Exemption of Motor Vehicles used for Agriculture.
19. Manner of payment of dues under this Act.
20. Appeal.
21. Power to make rules.

22. Repeal and saving.

23. Indemnity for Acts, etc., done.

SCHEDULE I.

SCHEDULE II.

——:o:——

* THE HYDERABAD MOTOR VEHICLES TAXATION ACT, 1955.

No. VI of 1955.

An Act to provide for Taxing Motor Vehicles in the State of Hyderabad.

Preamble.

WHEREAS with the application of Part B States (Laws) Act, 1951 (III of 1951), the Hyderabad Motor Vehicles Act, 1354 Fasli (II of 1354 F.) is replaced by the Motor Vehicles Act, 1939 (IV of 1939);

AND WHEREAS it has become necessary to enact separate legislation for Taxing the Motor Vehicles in the Hyderabad State which were hitherto taxed under Chapter X of the Hyderabad Motor Vehicles Act, 1354 Fasli (II of 1354 F.);

BE it enacted in the Sixth Year of Our Republic as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Motor Vehicles Taxation Act, 1955.

(2) It shall extend to the whole of Hyderabad State and shall come into force at once.

Definitions.

2. (1) In this Act unless there is anything repugnant in the subject or context—

(a) "Certificate of Taxation" means a tax token issued under sub-section (4) of section 4 showing the rates at which and the periods for which the tax has been paid, and includes a fresh tax token issued in place of the original tax token under sub-section (2) of section 8;

(b) "prescribed" means prescribed by rules made under this Act;

(c) "Schedule" means a Schedule annexed to this Act;

(d) "Tax" means a tax imposed under this Act;

(e) "Taxation authority" means any officer or other authority appointed by Government to exercise the powers and perform the functions of a taxation authority under this Act;

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* Published in Gazette Extraordinary No. 52, dated 6th May, 1955.

(f) "Taxation year" means the financial year; "half year" means the first six months or the second six months of a "taxation year"; and "quarter" means the first three or the second three months of a "half year".

(2) Words and expressions used and not defined in this Act, shall have the meanings assigned to them in the Motor Vehicles Act, 1939 (IV of 1939).

Motor Vehicle tax.

3. With effect from the 1st of April 1955, the Government shall levy a tax at the rates specified in Part 2 of Schedule 1 on every motor vehicle used or kept for use in the Hyderabad State.

Payment of tax and issue of tax token.

4. (1) The tax levied in pursuance of section 3 shall be paid within fifteen days from the commencement of the quarter, half year or year, as the case may be, in advance in the manner referred to in section 19, by the registered owner, or the person having possession or control of, the motor vehicle in respect of a quarter, half year or taxation year, at his choice upon a quarterly, half-yearly or annual tax token to be taken out by him.

(2) The tax for a half year shall be 55 per cent and the tax for a quarter shall be 30 per cent of the tax for a whole year:

Provided that for any period less than a quarter expiring on the last day of any quarter, the tax shall be levied at the quarterly rates referred to in sub-section (2), less 1/12th of the annual rate of the tax for every complete calendar month which has expired during such quarter.

(3) In calculating the amount due under *the Act and rules made thereunder for any period less than one year, the fraction of a rupee less than 8 annas shall be counted as annas 8 and the fraction of a rupee exceeding annas 8 shall be counted as a rupee.

(4) When a person pays the amount of tax for a quarter, half year or year in respect of a motor vehicle using any public road or proves to the satisfaction of the taxation authority that no tax is payable in respect of such vehicle, the taxation authority shall—

(a) grant to such person a tax token in the appropriate form of Schedule II for the period concerned; and

* Amended by Act No. XIII of 1955 published in Gazette Extraordinary No. 132 dated 28th October, 1955.

(b) record that the tax has been paid for the specified period or that no tax is payable in respect of that vehicle, as the case may be, in the certificate of registration granted in respect of the vehicle under the Motor Vehicles Act, 1939, or in the case of vehicles not registered under that Act, in a certificate of taxation.

Refund of tax.

5. Where the tax for any motor vehicle has been paid in respect of any quarter, half year or taxation year and the vehicle has not been used during the whole of that quarter, half year or taxation year, or a continuous part thereof not being less than one month, a refund of the tax shall be subject to such conditions as may be prescribed.

Temporary tax token.

6. Notwithstanding anything contained in section 3 or in sub-sections (1) to (3) of section 4, the Government may, by notification in the official Gazette, direct that a temporary tax token be issued for a period not exceeding 30 days at a time in respect of any motor vehicle or class of motor vehicles on payment of such sum and subject to such conditions as may be prescribed.

Display of tax token.

7. No motor vehicle shall be used in any public place unless a valid tax token obtained under sub-section (4) of section 4 is displayed on the vehicle in the prescribed manner.

Declaration by person having possession of a motor vehicle.

8. (1) Every registered owner of, or person who has possession or control of a motor vehicle used or kept for use in the State shall fill up and sign a declaration in the prescribed form, giving the prescribed particulars and shall deliver within the prescribed time the declaration to a taxation authority and shall pay to the taxation authority the tax which he is liable to pay in respect of such vehicle.

(2) When a motor vehicle used or kept for use is altered so as to render the registered owner of person who is in possession or control of such vehicle liable to the payment of an additional tax under section 9, such registered owner of person, as the case may be, shall fill up and sign an additional declaration in the prescribed form showing the nature of the alteration made and containing the prescribed particulars and shall deliver such additional declaration together with the tax token in respect of the motor vehicle to a taxation authority and shall pay to the taxation authority the additional tax payable under section 9. On receipt of such additional tax, the

taxation authority shall issue to such owner or person a fresh tax token in place of the original token and shall cause an entry about such payment to be made in the certificate of registration of such vehicle.

Payment of additional tax.

9. When any motor vehicle in respect of which a tax has been paid is altered in such a manner as to cause the vehicle to become a vehicle in respect of which a higher rate of tax is payable, the registered owner or person who is in possession or control of such vehicle shall pay an additional tax of a sum which is equal to the difference between the tax already paid and the tax which is payable in respect of such vehicle for the period for which the higher rate of tax is payable in consequence of its being altered and the taxation authority shall not grant a fresh tax token in respect of such vehicle so altered until such amount of tax has been paid.

Liability to pay arrears of tax.

10. (1) If the tax leviable in respect of any motor vehicle remains unpaid by any person liable for the payment thereof and such person before having paid the tax has transferred the ownership of such vehicle or has ceased to be in possession or control of such vehicle, the person to whom the ownership of the vehicle has been transferred or the person who has possession or control of such vehicle shall be liable to pay the said tax to the taxation authority.

(2) Nothing contained in this section shall be deemed to affect the liability of the person, who has transferred the ownership or has ceased to be in possession or control of the vehicle, to pay the said tax.

Power of police officer to stop a motor vehicle.

11. Any police officer in uniform or any authority prescribed may require the driver of any motor vehicle in any public place to stop such vehicle and cause it to remain stationary so long as may reasonably be necessary for the purpose of satisfying himself that the amount of the tax due in accordance with the provisions of this Act in respect of such vehicle has been paid.

Utilisation of the proceeds of the tax.

12. (1) From the proceeds of the tax collected under this Act every year, the following credits and payments shall be made in the order mentioned below:—

(i) firstly, there shall be credited to the Government the expenses of collecting the tax;

(ii) secondly, there shall be credited to the Government the cost incurred by them in exercising their

administrative functions in regard to the control of motor vehicles in the State;

(iii) any surplus remaining after payment of the amount specified in sub-clauses (i) and (ii) of sub-section (1) shall be credited to the Hyderabad State Road Fund.

(2) The Hyderabad State Road Fund shall be a non-lapsing Fund, the amounts from which shall be utilised in accordance with the rules to be framed for the purpose.

Penalty for failure to pay tax.

13. (1) If the tax due in respect of any motor vehicle has not been paid within the specified period, the registered owner or the person having the possession or control thereof shall, in addition to payment of the tax due, be liable in the manner prescribed to a penalty which may extend to twice the yearly tax in respect of that vehicle.

(2) Notwithstanding the provisions of the Motor Vehicles Act, 1939, if the tax due in respect of a transport vehicle is not paid within the period mentioned in sub-section (1) of section 4, the validity of the permit for the vehicle shall become ineffective from the date of expiry of the said period until such time as the tax is actually paid.

Recovery of tax as arrears of land revenue.

14. Any tax, penalty or fine due under this Act may be recovered in the same manner as arrears of land revenue.

Other penalties.

15. Whoever contravenes any of the provisions of this Act or of any rule made thereunder shall, on conviction, be punishable with fine which may extend to one hundred rupees and in the event of such person having been previously convicted of an offence under this Act or any rule made thereunder, with fine which may extend to two hundred rupees:

Provided that nothing in the foregoing provisions shall be deemed to apply to any person, who has been penalised under any other provision of this Act or the rules made thereunder.

Trial of offences.

16. No court inferior to that of a First Class or Second Class Magistrate shall try an offence punishable under this Act.

Exemptions.

17. The Government may, by notification in the official Gazette, make an exemption, reduction in the rate, or other modifications in regard to the tax payable—

(i) by any person or class of persons, and

(ii) in respect of any motor vehicle or class of motor vehicles running in any particular area.

Exemption of motor vehicles used for agriculture.

18. All motor vehicles designed and used solely for carrying on agricultural operations on farms and farm lands shall be exempt from the payment of the tax.

Explanation.—For the purpose of this section, the expression "agricultural operation" shall include, tilling, sowing, harvesting, crushing of agricultural produce or any other similar operation carried out for the purpose of agriculture, but shall not include the transportation of persons or materials for the purpose of agriculture or the transportation of agricultural produce.

Manner of payment of dues under this Act.

19. Payment of all amounts due under this Act shall be made by the production before the taxation authority of treasury challans to the value for which payment is required or in such other manner as may be prescribed.

Appeal.

20. Any person who is aggrieved by any order of a taxation authority made under this Act may, within a period of thirty days from the date of communication of the order to him, appeal to the Secretary to the Government in the Home Department.

The Government may, by notification in the official Gazette authorise the State Transport Authority to hear such appeals.

Power to make rules.

21. (1) The Government may make rules for carrying into effect all or any of the provisions of this Act:

Provided that such rules shall be laid on the table of the House.

(2) In particular, and without prejudice to the generality of the foregoing power the Government may make rules with regard to—

(a) the manner in which refunds, reductions or exemptions may be claimed under sections 4, 5 and 17;

(b) the manner in which tax tokens shall be displayed under section 7;

(c) the form of declaration and the manner in which it is to be completed and filed under section 8;

(d) the police and other officers to be employed to exercise powers under sections 11;

(e) utilization of the Hyderabad State Road Fund under sub-section (2) of section 12;

(f) granting of temporary token and the total or partial exemption under section 17 from liability for payment of the tax of any motor vehicle brought into the State by any person visiting the State or making temporary stay therein, the time within which the declaration shall be made by any such person, the amount which shall be payable on account of such vehicle and the tax tokens which any such vehicle shall carry;

(g) the manner in which an appeal shall be filed under section 20 and the procedure to be followed by the appellate authority;

(h) any other matter which may be prescribed.

Repeal and saving.

22. (1) The Hyderabad Motor Vehicles Act, 1354 Fasli, is hereby repealed.

(2) Notwithstanding such repeal—

(a) any order made or deemed or purporting to have been made, any decision or direction given or deemed or purporting to have been given, any notification, notice or rule issued or deemed or purporting to have been issued, any action or proceeding taken or deemed or purporting to have been taken, any tax imposed and levied or deemed or purporting to have been imposed and levied and anything done or deemed or purporting to have been done under the provisions of the said Act shall, so far as may be, be deemed to have been made, given, issued, taken, imposed or levied or done under the provisions of this Act;

(b) any liability or penalty incurred or deemed or purporting to have been incurred, any punishment, awarded or deemed or purporting to have been awarded, any prosecution commenced or deemed or purporting to have been commenced under the provisions of the said Act shall be deemed to have been incurred, awarded, or commenced under the corresponding provision of this Act;

(c) any application made, appeal preferred or other proceeding instituted under the said Act and pending at the commencement of this Act shall be deemed to have been made, preferred or instituted under the corresponding provisions of this Act and shall be disposed of as if this Act had been in force at the time when such application, appeal or proceeding was made, preferred or instituted.

Indemnity for acts, etc., done.

23. (1) No suit, prosecution or other legal proceeding shall lie in any Court against any officer or servant of the Government or any person acting under his directions or aiding or assisting him—

(a) for, or on account of, or in respect of any decision given or any act ordered or done by him, in exercise of any jurisdiction or power purporting to have been conferred on him by or under Chapter X of the Hyderabad Motor Vehicles Act, 1354 Fasli or under this Act, or for carrying out any decision given by any Court or other authority in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the Government for or on account of, or in respect of any act, matter or thing whatsoever, purporting to have been done in pursuance of or under Chapter X of the said Act or under this Act or under any order or rule made thereunder.

SCHEDULE I.

(See section 3).

The tax imposed on a motor vehicle falling under any of the categories listed in column (I) of Part 1 hereinbelow shall be assessed in the manner specified in the corresponding entry in column (2) thereof.

Part 1.

Column (1).	**Column (2).**
For a vehicle under the following category:—	The manner of assessment of tax shall be:—
(1) Motor Cycles:—	
(a) Two-wheeler.	(a) Flat rate.
(b) Two-wheeler with a trailer*.	(b) Flat rate.
(*If the trailer is removable, it shall be taxed separately as a trailer under item 9).	
(c) Two-wheeler with side car.	(c) Flat rate.
(d) Tricycle, i.e., three-wheelers without body or roof.	(d) Flat rate.

(2) Invalid carriages.	2. Flat rate.
(3) Motor cars being vehicles having more than two wheels and being provided with body or roof.	3. Registered unladen weight.
(4) Motor cabs.	4. Seating capacity.
(5) Contract carriages.	5. Seating capacity.* (*including standing passengers also).
(6) Stage Carriages.	6. Do. Do.
(7) Goods Vehicles.	7. Registered laden weight.
(8) Locomotives and Tractors.	8. Laden weight which will be assumed to be equal to the registered unladen weight for this purpose.
(9) Trailers for carrying goods whether attached to motor cycles, motor cars or transport vehicles.	9. Registered laden weight.
(10) Trailers for carrying passengers other than caravans.	10. Seating capacity.
(11) Caravans, and other types of trailers not specified above.	11. Registered unladen weight.
(12) Vehicles used for carrying both passengers and goods.	12. The tax payable shall be an amount equal to the tax payable on the basis of seating capacity plus the tax payable on a registered laden weight which is to be calculated as below :

The registered laden weight for this purpose will be that pro-

	portion of the unladen weight of the vehicle which the floor area for carrying goods bears to the total floor area of the vehicle plus the authorised load.
(13) Fire engines, Fire tenders and road water sprinklers.	13. Registered unladen weight.
(14) Road rollers.	14. Registered unladen weight.
(15) Special cases.	(15) (a) Articulated vehicles shall be taxed on the registered laden weight of the combination. In all other cases the tractor and the trailers shall be taxed separately. (b) Where is vehicle is normally to be used for more than one purpose the tax payable shall be at the highest of the rates applicable.

Par 2.

1. Rates of Taxes on Vehicles using Petroleum Product other than Diesel Oil as Fuel

Table A.

Registered Laden Weight.	Annual Tax.
(1) Not exceeding 1000 lbs.	Rs. 50
(2) Exceeding 1000 lbs. but not exceeding 4000 lbs.	Rs. 60 plus Rs. 10 for every additional 500 lbs. or part thereof, beyond 1000 lbs.
(3) Exceeding 4000 lbs. but not exceeding 8000 lbs.	Rs. 125 plus Rs. 10 for every additional 500 lbs. or part thereof, beyond 4000 lbs.
(4) Exceeding 8000 lbs. but not exceeding 18,000 lbs.	Rs. 200 plus Rs. 10 for every additional 500 lbs. or part thereof, beyond 8000 lbs.

(5) Exceeding 18,000 lbs.	Rs. 400 plus Rs. 10 for every additional 500 lbs. or part thereof beyond 18,000 lbs.

Table B.

Licensed capacity including standing passengers but excluding Driver and Conductor.	**Annual Tax.**
(1) 4 persons.	Rs. 60.
(2) Exceeding 4 persons but not exceeding 6 persons.	Rs. 60 plus Rs. 10 for every additional person beyond 4.
(3) Exceeding 6 persons but not exceeding 8 persons.	Rs. 75 plus Rs. 12 for every additional person beyond 6.
(4) Exceeding 8 persons but not exceeding 26 persons.	Rs. 100 plus Rs. 12 for every additional person beyond 8.
(5) Exceeding 26 persons but not exceeding 32 persons.	Rs. *320 plus Rs. 12 for every additional person beyond 26.
(6) Exceeding 32 persons.	Rs. *400 plus Rs. 12 for every additional person beyond 32.

Table C.

Registered Unladen Weight.	**Annual Tax.**
(1) Not exceeding 2000 lbs.	Rs. 5 for every 500 lbs. or part thereof.
(2) Exceeding 2000 lbs. but not exceeding 3000 lbs.	Rs. 20 plus Rs. 2 for every 500 lbs. or part thereof beyond 2000 lbs.
(3) Exceeding 3000 lbs.	Rs. 40 plus Rs. 2 for every 500 lbs. or part thereof beyond 3000 lbs.

Table D.

Type of Vehicle.	**Annual Tax.**
(1) Motor Cycles:	
(a) Two-wheeler.	Rs. 10.

* Substituted by Act No. XIII of 1955 published in Gazette Extraordinary No. 132 dated 28th October 1955.

(b) Two-wheeler with trailer.	Rs. 15.
(c) Two-wheeeler with side-car.	Rs. 10.
(d) Tricycles without body and roof.	Rs. 15.
(2) Invalid carriages.	Rs. 20.
(3) Motor cabs (with seating capacity less than four or with seating capacity for four but unladen weight below 2500 lbs).	
(a) 3-wheelers.	Rs. 40.
(b) 4-wheelers.	Rs. 50.

2. Rates of taxes on vehicles using any other kind of fuel.

The total tax payable shall be an amount equal to the tax payable under heading 1 above plus a surcharge at the following rates:—

Table E.

Type of Vehicle.	Surcharge per annum.
(1) Goods Vehicles.	Rs. 25.
(2) Stage Carriages.	Rs. 50.
(3) Other Vehicles.	No surcharge.

3. Rates of taxes on vehicles fitted with non-pneumatic tyres.

The rates for vehicles fitted with non-pneumatic tyres shall be 50% more than the rates specified under headings 1 and 2.

Schedule II.

[See section 4 (4) (a)].

Part I.

1. A TAX TOKEN issued in respect of a transport Vehicle shall be in Form A, Form B or Form C of Part II of this Schedule according as the token is issued for a quarter, half year or taxation year, respectively.

2. A TAX TOKEN issued in respect of a motor vehicle other than a transport vehicle shall be in Form D, Form E or Form F of Part II of this Schedule accordnig as the tax token is issued for a quarter, half-year or taxation year, respectively.

3. A TAX TOKEN issued in respect of a motor vehicle for any period other than a quarter, half-year or taxation year shall be in Form G of Part II of this Schedule.

4. The background of the quarterly, half-yearly or annual tax token may be made in any shade other than light or dark red, or pink, provided that different shades shall be used in the case of tax token for transport vehicles, and vehicles other than transport vehicles, relating to the same length of period. The cross and band indicated in the case of a quarterly and half-yearly tax token and the circlet in the case of a tax token in Form G shall be printed in a shade different from the background.

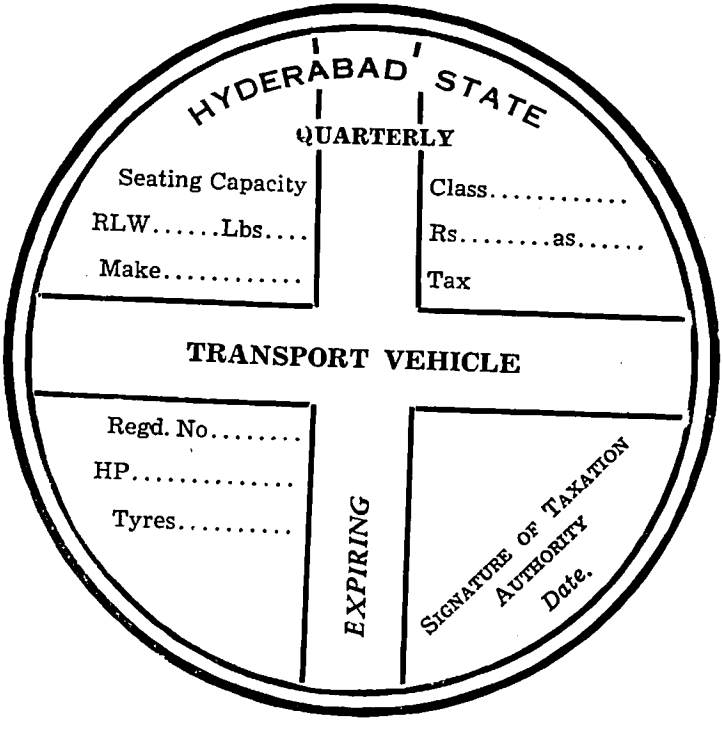
5. The tax token in Form G shall be printed on paper of red or pink colour only.

——:o:——

Part 2.

FORMS.

(Tax tokens for Transport Vehicles).
Form A: Quarterly:



Name and address of registered owner or person having possession or control of vehicles:—

.....

.....

[Seal of Taxation Authority]

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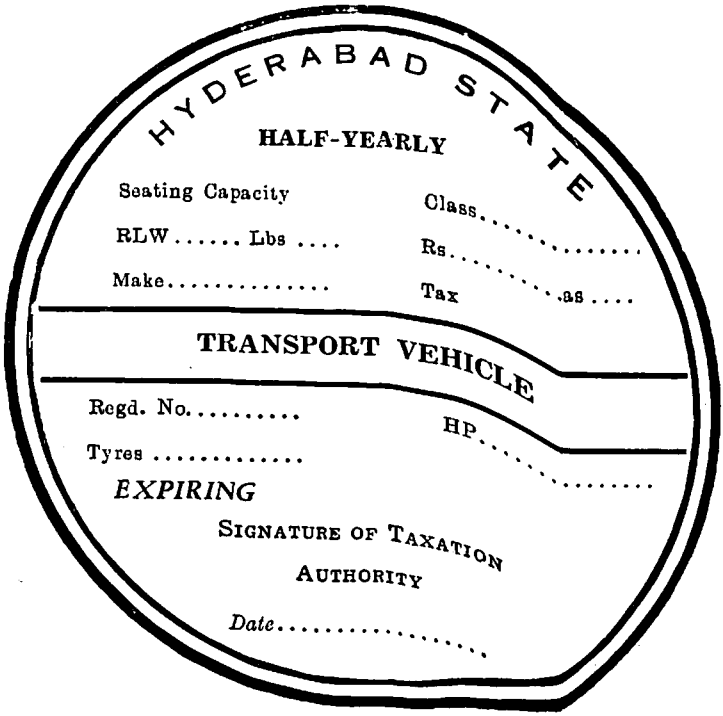
* Substituted by Act No. XIII of 1955 published in Gazette Extraordinary No. 132 dated 28th October 1956.

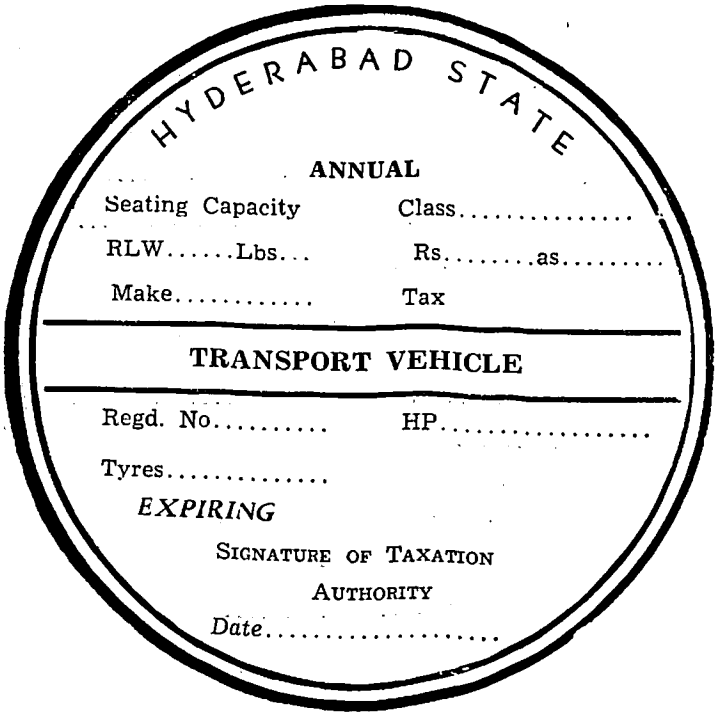
Form B: Half-yearly:



Name and address of registered owner or person having possession or control of vehicle. .....
.....
.....

[Seal of Taxation Authority]

Form C: Annual.

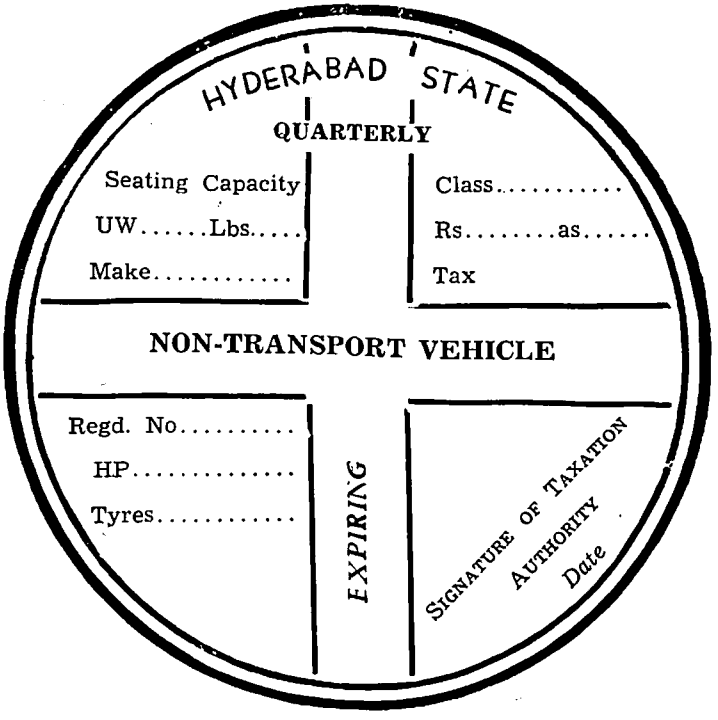


Name and address of registered owner or person having possession or control of vehicle. .....
.....
.....

[Seal of Taxation Authority]

***(Tax tokens for Non-Transport Vehicles).**

Form D: Quarterly:

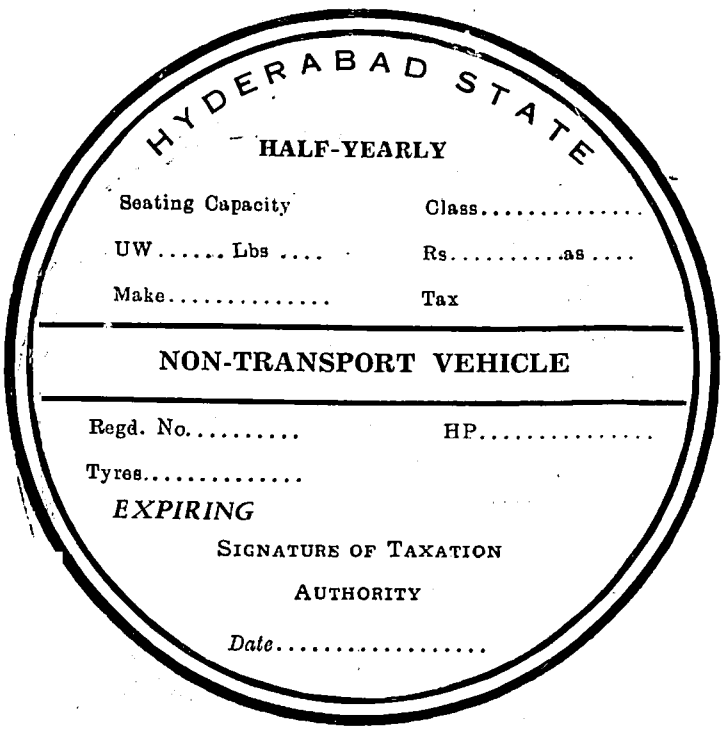


Name and address of registered owner .....
or person having possession or .....
control of "non-transport vehicle." .....

[Seal of Taxation Authority]

* Substituted by Act No. XIII of 1955 published in Gazette Extraordinary No. 132 dated 28th October 1956.

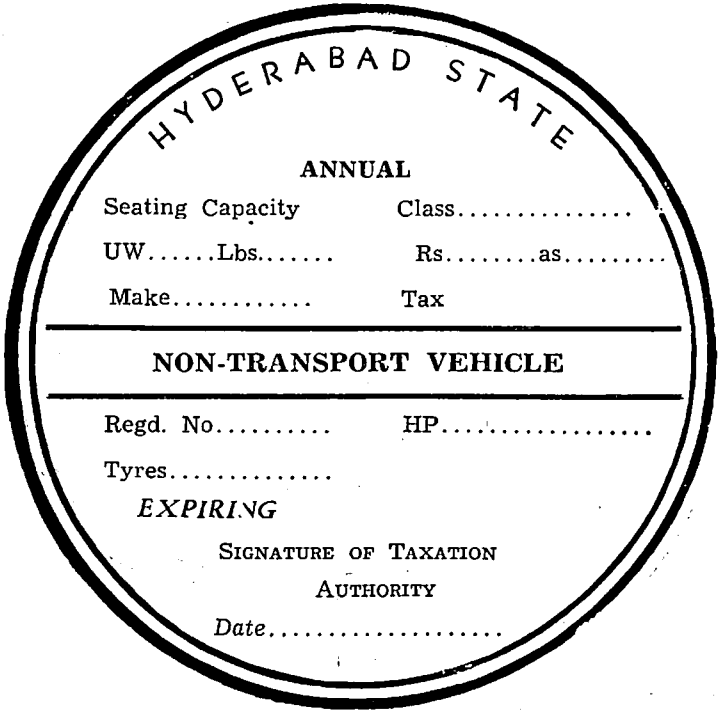
Form E: Half-yearly:



Name and address of registered owner .....
or person having possession or .....
control of "Non-transport vehicle". .....

[Seal of Taxation Authority]

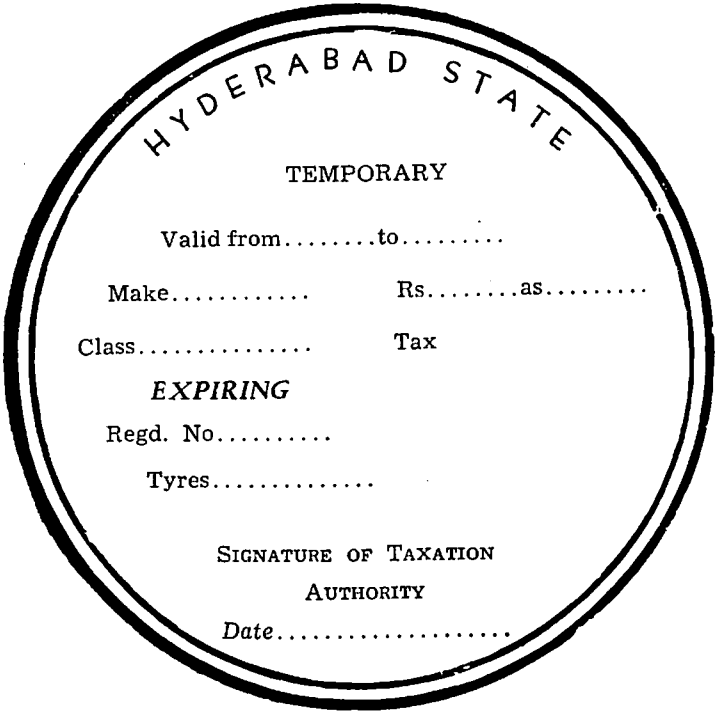
Form F: Annual.



Name and address of registered owner .....
or person having possession or control .....
of Non-transport vehicle. .....

[Seal of Taxation Authority]

Form G: Temporary Licence.



Name and address of registered owner .....
or person having possession and .....
control of vehicle .....

[Seal of Taxation Authority]

THE HYDERABAD ABOLITION OF INAMS ACT, 1955.

No. VIII of 1955.

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THE HYDERABAD ABOLITION OF INAMS ACT, 1955.

No. VIII of 1955.

(Received the assent of the President on the 16th July, 1955; assent first published in the Hyderabad Gazette Extraordinary No. 90 on the 20th July, 1955).

An Act to abolish Inams in the Hyderabad State.

Preamble.

WHEREAS it is expedient in public interest to provide for the abolition of inams, with certain exceptions, in the Hyderabad State and for other matters connected therewith;

BE it enacted in the Fifth Year of Our Republic as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Abolition of Inams Act, 1954.

(2) It extends to the whole of the Hyderabad State and shall be applicable to all inams except—

(i) inams held by or for the benefit of charitable and religious institutions ;

(ii) inams held for rendering village service useful to the Government or to the village community including sethsendhi, neeradi and balutha inams.

*(3) (a) This section, section 2, section 3 except clauses (d), (g), (h) and (i) of sub-section (2), sections 30 to 34 (both inclusive), section 35 to the extent to which it enables rules to be made for the purposes of the aforesaid sections, section 36 and section 37, shall come into force on the date of publication of this Act in the official Gazette;

(b) the rest of this Act shall come into force on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context—

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* Substituted by Act No. X of 1956 published in Gazette Extraordinary No. (79) dated 20th April, 1956.

(For temporary provision for recovery of land revenue see the above Gazette).

(a) 'Collector' means the Collector of a district and includes any other officer, not below the rank of a Deputy Collector, who may be authorised by the Government by notification in the official Gazette to discharge the functions of a Collector under this Act;

*(b) the expression 'date of vesting' when used—

(i) in sub-section (1), sub-section (2) with reference to clauses (a), (b), (c), (e), and (f), and sub-section (3) of section 3 and in section 34, means the date of publication of this Act in the official Gazette ;

(ii) elsewhere in this Act means the date appointed by th Government under clause (b) of sub-section (3) of section 1 ;

(c) 'inam' means land held under a gift or a grant made by the Nizam or by any Jagirdar, holder of a Samsthan or other competent grantor and continued or confirmed by virtue of a muntakhab or other title deed, with or without the condition of service and coupled with the remission of the whole or part of the land revenue thereon and entered as such in the village records and includes—

(i) arazi makhta, arazi agrahar and seri inam; and

(ii) lands held as inam by virtue of long possession and entered as inam in the village records :

Provided that in respect of former Jagir areas, the expression inam shall not include such lands as have not been recognised as inams by Government after the abolition of the Jagirs.

(d) 'inamdar' means a person holding an inam or a share therein, either for his own benefit or in trust and includes the successor in interest of an inamdar, and—

(i) where an inamdar is a minor or of unsound mind or an idiot, his lawful guardian;

(ii) where an inamdar is a joint Hindu family, such joint Hindu family;

(e) 'kabiz-e-kadim' means the holder of inam land, other than an inamdar, who has been in possession of such land at the time of the grant of inam or has been in continuous possession of such land for not less than twelve years before the date of vesting and who pays the inamdar only the land revenue;

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* Substituted by Act No. X of 1956 published in Gazette Extraordinary No. (79) dated 20th April, 1956.

(For temporary provision for recovery of land revenue see the above Gazette).

(f) 'land revenue' means the land revenue assessed by the Government under the Land Revenue Act, 1317 Fasli and the rules thereunder, and where no land revenue has been assessed, the amount of land revenue that could be reasonably assessed if the land had been liable to payment of revenue :

(g)' non-protected' tenant means a tenant other than a permanent tenant or a 'protected tenant'.;

(h) 'permanent tenant' means a person who, from a date prior to 10th June, 1950, has been cultivating the inam land on a permanent lease from the inamdar whether under an instrument or an oral agreement ;

(i) 'prescribed' means prescribed by rules made under this Act ;

(j) 'protected tenant' means the protected tenant as defined in the Hyderabad Tenancy and Agricultural Lands Act, 1950 ;

(k) 'Special Tribunal' means a Special Tribunal constituted under section 22 of this Act ;

(l) 'Judi' or 'quit-rent' means the amount fixed by and payable to Government by the Inamdar out of the land revenue assessed, on inam land.

(2) Words and expressions used in this Act but not defined therein shall have the meaning assigned to them in the Land Revenue Act, 1317, Fasli, the Hyderabad Tenancy and Agricultural Lands Act, 1950, and the Hyderabad Atiyat Enquiries Act, 1952 and the rules thereunder.

CHAPTER II.

Abolition and vesting of inams and the consequences thereof.

Abolition and vesting of inams and the consequences thereof.

3. (1) Notwithstanding anything to the contrary contained in any usage, settlement, contract, grant, sanad, order or other instrument, Act, regulation, rules or order having the force of law and notwithstanding any judgment, decree or order of a Civil, Revenue or Atiyat Court, and with effect from the date of vesting, all inams to which this Act is made applicable under sub-section (2) of section 1 of this Act shall be deemed to have been abolished and shall vest in the State.

(2) Save as expressly provided by or under the provisions of this Act and with effect from the date of vesting, the following consequences shall ensue, namely :

(a) the provisions of the Land Revenue Act, 1317 Fasli relating to inams, and the provisions of the Hyderabad Atiyat Enquiries Act, 1952 and other enactments,

rules, regulations and circulars in force in respect of Atiyat grants shall, to the extent, they are repugnant, to the provisions of this Act, not apply and the provisions of the Land Revenue Act, 1317 Fasli, relating to unalienated lands for purposes of land revenue, shall apply to the said inams;

(b) all rights, title and interest vesting in the inamdar, kabiz-e-kadim, permanent tenant, protected tenant and non-protected tenant in respect of the inam land, other than the interests expressly saved by or under provisions of this Act and including those in all communal lands, cultivated and uncultivated lands (whether assessed or not), waste lands, pasture lands, forests, mines and minerals, quarries, rivers and streams, tanks and irrigation works, fisheries and ferries, shall cease and be vested absolutely in the State free from all encumberances;

(b) all such inam lands shall be liable to payment of land revenue;

(d) all rents and land revenue including cesses and royalties, accruing in respect of such inam lands, on or after the date of vesting, shall be payable to the State and not to the inamdar, and any payment made in contravention of this clause shall not be valid;

(e) all arrears of revenue, whether as judi, quit-rent or other cess, remaining lawfully due on the date of vesting in respect of any such inam shall, after such date, continue to be recoverable from the inamdar by whom they were payable and may, without prejudice to any other mode of recovery be realised by deduction thereof from the compensation amount payable to him under this Act;

(f) no such inam shall be liable to attachment or sale in execution of any decree or other process of any Court and any attachment existing on the date of vesting or any order for attachment passed before such date in respect of such inam, shall, subject to the provisions of section 73 of the Transfer of Property Act, 1882, cease to be in force;

(g) the inamdar and any other person whose rights have vested in the State under clause (b) shall be entitled only to compensation from the Govrnment as provided for in this Act;

(h) the relationship with regard to inam land as between the inamdar and kabiz-e-kadim, permanent tenant, protected tenant or non-protected tenant shall be extinguished;

(i) the inamdar, kabiz-e-kadim, permanent tenant, protected tenant, and a non-protected tenant of inam lands and any person holding under them and a holder of an inam, shall as against the Government, be entitled only to such rights and privileges and be subject to such conditions as are provided for under this Act and any other rights and privileges which may have accrued to any of them in the inam before the date of vesting against the inamdar shall cease and shall not be enforceable against the Government or the inamdar.

(3) Nothing contained in sub-sections (1) and (2) shall operate as a bar to the recovery by the inamdar of any sum which becomes due to him before the date of vesting by virtue of his rights as inamdar and any such sum shall be recoverable by him by any process of law, which, but for this Act, would be available to him.

Registration of Inamdars as occupants.

4. (1) Every inamdar shall, with effect from the date of vesting, be entitled to be registered as an occupant of all inam lands other than—

(a) lands set apart for the village community, grazing lands; waste lands, forest lands, mines and quarries; tanks, tank beds and irrigation works, streams and rivers;

(b) lands in respect of which any person is entitled to be registered under sections 5, 6, 7, and 8 of the Act;

(c) lands upon which have been erected buildings owned by any person other than the inamdar;

—which immediately before the date of vesting, were under his personal cultivation and which, together with any lands he separately owns and cultivates personally are equal to four and a half times the 'family holding'.

(2) No Inamdar shall be registered as an occupant of any land under sub-section (1) unless he pays to the Government as premium an amount equal to twenty-five times the difference between the judi or quit-rent, if any, paid by him and the land revenue payable in respect of such land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, shall be recoverable as arrears of land revenue due on the land in respect of which it is payable.

(3) The inamdar shall be entitled to compensation from the Government as provided for under this Act in respect of inam lands in his possession in excess of the

time limit specified in sub-section (1) whether cultivated or not.

(4) Should the lands for the purpose of registration of inamdar as occupant be required to be resumed to make up the deficiency to the extent of 3 family holdings, the same shall be resumed under the provisions of the Hyderabad Tenancy and Agricultural Lands Act, 1950 in the following order—

(i) firstly from out of non-inam lands;

(ii) secondly from out of uncultivated inam lands other than those specified in clauses (a) and (c) of sub-section (1); and;

(iii) thirdly from out of the inam lands in the possession of his tenants and without prejudice to their tenancy rights in the following order—

(a) from out of the lands of the non-protected tenants;

(b) from out of the lands of the protected tenants; and

(c) from out of the lands of the permanent tenants.

Registration of kabiz-e-kadim as occupant.

5. (1) Every kabiz-e-kadim shall, with effect from the date of vesting, be entitled to be registered as an occupant in respect of such inam lands in his possession which were under his personal cultivation and which, together with any lands he separately owns and cultivates personally are equal to four and a half times the 'family holding'.

(2) The kabiz-e-kadim shall be entitled to compensation from the Government as provided for under this Act in respect of Inam lands, in his possession in excess of the limit specified in sub-section (1) whether cultivated or not.

Registration of permanent tenants as occupants.

6. (1) Every permanent tenant shall, with effect from the date of vesting, be entitled to be registered as an occupant in respect of such inam lands in his possession as may be left over after the allotment under section 4, which immediately before the date of vesting were under his personal cultivation and which, together with any lands he separately owns and cultivates personally, are equal to four and a half times the 'family holding'.

(2) The permanent tenant shall be entitled to compensation from the Government as provided for under this Act in respect of inam lands in his possession in excess of

the limit in sub-section (1) whether cultivated or not.

(3) No permanent tenant shall be registered as an occupant of any land under sub-section (1) unless he pays to the Government as premium an amount equal to twenty-five times the land revenue for dry land and nine times for wet land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, shall be recoverable as arrears of land revenue due on the land in respect of which it is payable.

Registration of protected tenants as occupants.

7. (1) Every protected tenant shall, with effect from the date of vesting, be entitled to be registered as an occupant of such inam lands in his possession as may be left over after the allotment under section 4, which were under his personal cultivation and which, together with any lands he separately owns and cultivates personally, are equal to four and a half times the 'family holding'.

(2) The protected tenant shall be entitled to compensation from the Government as provided for under this Act in respect of inam lands in his possession in excess of the limit specified in sub-section (1) whether cultivated or not;

Provided that—

(a) he continued to be a tenant of such inam lands until the date of vesting; or

(b) if he is not in possession, he has been unlawfully dipossessed of such lands by the inamdar between the 10th of June, 1950 and the date of vesting.

(3) No protected tenant shall be entitled to be registered as an occupant under sub-section (1) unless he pays to the Government as premium an amount equal to forty times the land revenue for dry land and thirteen times for wet land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment shall be recoverable as arrears of land revenue due on the land in respect of which it is payable.

Registration of non-protected tenant as occupant.

8. (1) Every non-protected tenant, shall, with effect from the date of vesting subject to section 37 of the Hyderabad Tenancy and Agricultural Lands Act, 1950 be entitled to be registered as an occupant of such inam lands in his possession as may be left over after the allotment under section 4 which, immediately before the date of vesting, were under his personal cultivation and which,

together with any lands he separately owns and cultivates personally, are equal to four and a half times the 'family holding.'

(2) The non-protected tenant shall be entitled to compensation from the Government, as provided for under this Act in respect of inam lands in his possession in excess of the limit prescribed in sub-section (1) whether cultivated or not.

(3) No non-protected tenant shall be registered as an occupant of any land under sub-section (1) unless he pays to the Government as premium an amount equal to sixty times the land revenue for dry land and twenty times for wet land. The amount of premium shall be payable in not more than ten annual instalments along with the annual land revenue and in default of such payment, shall be recoverable as arrears of land revenue due on the land in respect of which it is payable.

Vesting of certain buildings and inam lands used for non-agricultural purposes.

9. (1) Every private building, situated within an inam shall, with effect from the date of vesting, vest in the person who owned it immediately before that date.

(2) Where an inam land has been converted for any purpose unconnected with agriculture, the holder of such land shall be entitled to keep the land provided that such conversion was not void or illegal under any law in force.

(3) The vestings of private buildings or lands under sub-section (1) or (2) shall be subject to the payment of non-agricultural assessment that may be imposed by Government from time to time.

Enquiry by Collector in certain cases.

10. The Collector shall examine the nature and history of all lands in respect of which an inamdar, Kabiz-e-kadim, permanent tenant, protected tenant or non-protected tenant, claims to be registered as an occupant under sections 4, 5, 6, 7 and 8, as the case may be, and decide—

(a) In whose favour, and in respect of which inam lands, the claims should be allowed;

(b) the land revenue and the premium payable in respect of such lands.

Saving of rights in certain cases.

11. (1) Where before the date of vesting, an inamdar has created, either by way of lease or otherwise, any right in any inam land which vests in the State other than the lands specified in clauses (a) and (c) of sub-section (1) of section 4, including rights in any forest, mines or minerals, quarries, fisheries or ferries, the transaction shall be

deemed to be valid and all rights and obligations arising thereunder, on or after the date of vesting, shall be enforceable by or against the Government :

Provided that the transaction was not void or illegal under any law in force :

Provided further that where such right was created in any lands, other than the lands specified in clauses (a) to (c) of sub-section (1) of section 4 the Government may, if in their opinion, it is in the public interest to do so, by notice given to the person concerned, terminate the right with effect from such date as may be specified in the notice, not being earlier than three months from the date thereof.

(2) The person whose right has been terminated by the Government under the foregoing proviso shall be entitled to compensation from the Government equal to the estimated net income which would have accrued to such person from the land for the unexpired portion of the period for which the right was created, having regard to all the circumstances of the case.

CHAPTER III.

Determination, Apportionment and Payment of Compensation

12. The compensation payable to the inamdar for the inams abolished under section 3 shall be the aggregate of the sums specified below:— Determination of compensation payable to the inamdar.

(i) in respect of inam lands registered in the name of the inamdar and kabiz-e-kadim under sections 4 and 5, a sum equal to twenty times the difference between land revenue and judi or quit-rent ;

(ii) in respect of income accruing to the inamdar from the lands registered in the names of his permanent tenant, protected tenant and non-protected tenant a sum equal to sixty percent of the premium charged as the case may be, under sections 6, 7 and 8.

13. Notwithstanding anything contained in this Act, or any other law for the time being in force, if any, permanent tenant, protected tenant or non-protected tenant has, prior to the date of vesting, paid any consideration to the inamdar for obtaining the right of possession and the said amount is equal to 60 per cent or more of the premium chargeable under sections 6, 7 and 8, he would be

entitled to the deduction only to the extent of 60 per cent and if the said amount is less than 60 per cent of the premium he would be entitled to deduction to the extent of the amount actually paid by him. The amount so deducted from the premium shall be adjusted towards the compensation payable to the Inamdar under clause (ii) of section 12.

Determination of compensation in respect of excess lands taken over under sections 4 to 8.

14. The compensation payable to the inamdar, kabiz-e-kadim, permanent, protected tenant or non-protected tenant for Inam lands in their possession before the date of vesting and taken over by Government in excess of four and a half times the 'family holding' under sections 4, 5, 6, 7 and 8 respectively, shall—

(1) in respect of cultivated lands be the following multiples of the amount of land revenue payable on such lands—

(a) lands taken over from non-protected tenants, ten times in case of dry lands and five times in case of wet lands;

(b) lands taken over from protected tenant or permanent tenant, fifteen times in case of dry lands and seven times in case of wet lands;

(c) lands taken over from the kabiz-e-kadim or inamdar twenty times in case of dry lands and ten times in case of wet lands.

(2) in respect of uncultivated lands be the following multiples of the amount of land revenue which could reasonably be assessed on such lands—

(a) lands taken over from non-protected tenant, four times in case of dry lands and two times in case of wet lands;

(b) lands taken over from protected tenant or permanent tenant, six times in case of dry lands and three times in case of wet lands;—

(c) lands taken over from the kabiz-e-kadim or inamdar, eigth times in case of dry lands and four times in case of wet lands.

Payment of compensation.

15. (1) The compensation shall be due as from the date of vesting and shall carry interest at the rate of two and three-fourths per cent per annum from the date of vesting to the date of payment.

(2) The compensation payable under this Act may, in accordance with rules made in this behalf, be paid in

one or more of the following modes, namely:—

(i) in cash in full or in annual instalments not exceeding ten;

(ii) in bonds either negotiable or not negotiable carrying interest at the rate specified in sub-section (1) and of guaranteed face value maturing within a specified period not exceeding ten years.

Interim payment.

16. Where the amount of compensation is not paid within a period of six months from the date of vesting, the Government shall, subject to such restrictions and conditions as to security repayment or otherwise as may be prescribed, direct the payment of interim compensation which shall be equal to one-tenth of the estimated amount of compensation.

Collector to determine total compensation.

17. (1) The Collector shall determine in accordance with such of the foregoing provisions, the total compensation payable in respect of an inam.

(2) Any inamdar or other person interested may, within such time as may be prescribed, or such further time as the Collector may in his discretion allow, apply in writing to the Collector for a copy of the data on the basis of which he proposes to determine the total compensation.

(3) On receipt of such application, the Collector shall furnish the data aforesaid to the applicant; and shall also, before passing any order under sub-section (1), give the applicant reasonable opportunity of making his representation in regard thereto, in writing or orally.

(4) A copy of every order passed under sub-section (1) shall be communicated to every inamdar or other person interested and also to every applicant under sub-section (2).

Notice to persons interested in compensation.

18. (1) As soon as may be, after the date of vesting, the Collector shall—

(a) publish copies of the notification under sub-section (3) of section 1 in the village chavdi, where the inam lands are situate and at such other place as he may direct;

(b) cause public notice to be given at a convenient place in or near the inam requiring that claims of all persons interested in the compensation, or in any portion thereof, including the inamdar, the members of his family claiming any such portion, whether by way of a share or by way of maintenance or otherwise and creditors, whose debts are secured by the mortgage of, or as charge on, the

inam or any part thereof, other than lands and buildings which vest in the inamdar under clause (c) of sub-section (1) of section 4 or section 9 shall be made to him together with the nature and particulars of such claims in person or by agent at the time and place therein mentioned, such time not being earlier than sixty days rom the date of publication of notice. Such notice shall also be published in the official Gazette.

(2) Any claim in respect of the compensation which is not made to the Collector within the time aforesaid shall cease to be enforceable except where the Collector for sufficient cause permits a claim to be made beyond the said period.

Apportionment compensation.

19. The Collector shall, after giving notice to all persons who claim under section 18, and to any others whom he considers to be interested, make an enquiry into the validity of the claims received by him, and determine the persons, who, in his opinion, are entitled to the compensation and the amount to which each of them is entitled.

Procedure for apportionment.

20. (1) As a preliminary to such determination, the Collector shall apportion the compensation among the inamdar and any other persons whose rights or interests in the inam have passed to and vested in the Government under clause (b) of section 3 including persons who are entitled to be maintained from the inam and its income, as far as possible, in accordance with the value of their respective interests in the inam.

(2) The value of the interest shall be ascertained in such manner as may be prescribed.

Claims of creditors.

21. (1) After the compensation has been apportioned among the persons referred to in section 20 or where it is more convenient to do so, pending the apportionment, the Collector shall take into consideration the applications of the secured creditors referred to in section 17 and decide the amount to which each such creditor is entitled and the person or persons out of whose share or shares of the compensation such amount should be paid.

(2) The amount of compensation payable by the Government to secured creditors on account of holding any mortgage or charge, notwithstanding anything contained in any law for the time being in force, shall not exceed the amount of compensation payable in respect of the inam or portion thereof.

Devolution of interest in compensation.

22. Where it is alleged that the interest of any persons entitled to receive payment of any portion of the compensation has devolved on any other person or persons, whether by act of parties or by operation of law, the Collector shall determine whether there has been any devolution of the interest and, if so, on whom.

CHAPTER IV.

Appeal, reference and revision

Constitution of Special Tribunals and their powers.

23. (1) The Government shall constitute as many Special Tribunals as may be necessary for the purposes of this Act.

(2) Each Special Tribunal shall consist of an officer of a rank not less than that of a District Judge.

(3) Each Special Tribunal shall hold its sittings at such times and places, and shall have such jurisdiction, and over such local areas as the Government may, by notification from time to time, determine.

(4) No order of the Government constituting a Special Tribunal under this section shall be called in question in any manner whatsoever.

(5) The Special Tribunal shall have the same power regarding summoning and attendance of witnesses and compelling the production of documents as a Civil Court under the Code of Civil Procedure, 1908.

Appeals from orders under section 10 to prescribed authority.

24. (1) Any person aggrieved by a decision of the Collector under section 10 may, within thirty days from the date of decision, or such further time as the prescribed authority may for sufficient cause allow, appeal to the prescribed authority and its decision shall be final.

(2) If any question arises whether any building or land falls within the scope of section 9 the same shall be referred to the prescribed authority whose decision shall be final.

References to the Special Tribunal.

25. The Collector may, for reasons to be recorded in writing either **suo moto,** or on the application of any person interested in the compensation, refer any case relating to the apportionment of compensation to the decision of the Special Tribunal.

Appeals to the Special Tribunals.

26. Any persons aggrieved by any decision of the Collector under sections 19, 20, 21, or 22 within thirty days from the date of decision, or such further time as the Spe-

cial Tribunal may for sufficient cause allow, appeal to the Special Tribunal.

Appeal to the High Court.

27. (1) Any person aggrieved by any order of the Collector made under sub-section (1) of section 18 or by any decision of the Special Tribunal under section 25 and 26 may, within three months from the date of the order or decision of such further time as High Court may for sufficient cause allow, appeal to the High Court; and the High Court shall pass such order on the appeal as it thinks fit;

Provided that the total compensation payable in respect of any inam shall not be reduced by the High Court without giving every inamdar concerned and every person, who has made an application under sub-section (2) of section 17 a reasonable opportunity of being heard.

Revision.

28. Notwithstanding anything contained in this Act or any other law for the time being in force, an application for revision shall lie to the High Court from any order passed or proceedings taken by the Collector (except those referred to in section 24) or by the Special Tribunal under this Act on the following grounds that the original or appellate authority:—

(a) exercise a jurisdiction not vested in it by law;

(b) failed to exercise a jurisdiction so vested; or

(c) acted illegally or with material irregularity in following the procedure or passing the order.

Savings.

29. Save as otherwise provided in this Act, no order passed by the Collector or by the Special Tribunal under this Act shall be liable to be cancelled or modified except by the High Court as aforesaid or be questioned in any Court of law.

CHAPTER V.

Miscellaneous

Enquiries by the Collector.

30. (1) The Collector may, by general or special order authorise any officer not below the rank of a Tahsildar subordinate to him to hold enquiries on his behalf under this Act.

(2) In respect of every enquiry under this Act by the Collector or any officer authorised under sub-section (1), the provisions of the Land Revenue Act, 1317 Fasli, relating to formal enquiry shall apply as if such enquiry is a formal enquiry under the said Act.

Fee payable on applications, petitions.

31. Notwithstanding anything contained in the Hyderabad Court Fees Act, 1324 Fasli, or any other law for the time being in force, the fees payable on any application, memorandum of appeal or petition under this Act or rules made thereunder shall be such as may be prescribed.

Indemnity.

32. No suit or other proceeding shall lie against the Government or any person or in respect of anything which is in good faith done or intended to be done under this Act.

Savings.

33. Nothing in this Act shall in anyway be deemed to affect the application of the provisions of the Hyderabad Tenancy and Agricultural Lands Act, 1950, to any inam or the mutual rights and obligations of an inamdar and his tenants, save in so far as the said provisions are in anyway inconsistent with the express provisions of this Act.

Repeal.

34. With effect on and from the date of vesting the Hyderabad Enfranchised Inams Act, 1952, shall be deemed to have been repealed.

Power to make rules.

35. (1) The Government may, subject to the conditions of previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may provide for—

(a) all matters expressly required or allowed by this Act to be prescribed;

(b) the procedure to be followed by the Collector Special Tribunals authorities and officers appointed, or having jurisdiction under this Act ;

(c) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf is made herein;

(d) the application of the provision of the Code of Civil Procedure, 1908, and the Indian Limitation Act, 1908, to applications, appeals and proceedings under this Act.

(3) All rules made under this section shall be published in the official Gazette and on such publication shall have effect as if enacted in this Act.

Penalties.

36. (1) Any person who wilfully fails or neglects to comply with any lawful order passed under this Act or contravenes any such order or offers resistance or obstruc-

tion to the taking by the Collector of charge or possession of any property which has vested in the State under this Act or furnishes information which he knows or has reason to believe to be false or does not believe to be true, shall, on conviction by a Magistrate, be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both.

(2) No prosecution under sub-section (1) shall be instituted except with the previous sanction of the Collector of the District.

Power to remove difficulties.

37. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, do anything which appears to them necessary for the purpose of removing the difficulty.

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THE HYDERABAD PATHOLOGY AND ANATOMY ACT, 1955.

No. X of 1955.

PREAMBLE.

Sections.

1. Short title, extent and commencement.

2. Definitions.

3. Power of State Govt. to authorise officers to act under Section 4.

4. Unclaimed dead bodies in hospitals, prisons and public places how to be dealt with.

5. Doubt or dispute as to near relative to be referred to the City Coroner or a City Magistrate or Magistrate of the first class.

6. Penalty.

7. Duty of police and other officers to assist.

8. Protection of persons acting under this Act.

9. Power to make rules.

Schedule.

*THE HYDERABAD PATHOLOGY AND ANATOMY ACT, 1955.

No. X of 1955.

An Act to provide for the supply of unclaimed bodies of deceased person to teaching medical institutions for the purposes, of pathology or anatomical examination and dissection.

Preamble.

WHEREAS it is expedient to provide for the supply of unclaimed bodies of deceased persons to teaching medical institutions for the purpose of pathological or anatomical examination and dissection;

BE it enacted in the Sixth Year of Our Republic as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Pathology and Anatomy Act, 1955.

(2) It extends to the whole of the State of Hyderabad.

(3) This section shall come into force at once.

(4) The State Government may, by notification in the official Gazette direct that the remaining provisions of this Act shall come into force on such date and in such area as may be specified in the notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:—

(a) "authorised officer" means an officer authorised under section 3;

(b) "hospital" means any hospital established or maintained by the State Government, or by any Municipal Council, District Board or Panchayat and includes any other hospital which may be declared by the State Government, by notification in the official Gazette to be a hospital for the purpose of this Act;

(c) "near relative" means any of the following relatives of the deceased, namely a wife, husband, parent, son, daughter, brother or sister and includes any other person who is related to the deceased (i) by lineal consanguinity within three degrees or by collateral consanguinity within six degrees, or (ii) by marriage with any of the relatives aforesaid;

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* Published in Gazette Extraordinary No. (120), dated 27th September, 1955.

Explanation.—The expressions "Lineal consanguinity" and "collateral consanguinity" shall have the meanings assigned to them in the Indian Succession Act, 1925, and degrees of relationship shall be computed in the manner laid down in that Act.

(d) "prescribed" means prescribed by rules made by the State Government under this Act;

(e) "teaching medical institution" means any of the institutions specified in the schedule to this Act and includes any other institution which may be declared by the State Government, by notification in the official Gazette to be a teaching medical institution for the purposes of this Act;

(f) "unclaimed body" means the body of a person who dies in a hospital, prison or public place, which has not been claimed by any of his near relatives within such time as may be prescribed.

Power of State Govt. to authorise officers to act under section 4.

3. (1) The State Government may by notification in the Official Gazette authorise for the area in which this Act comes into force or any part thereof, one or more officers to whom a report shall be made under section 4 and who shall be competent to act under the said section.

(2) Every officer authorised under sub-section (1) shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

Unclaimed dead bodies in hospitals, prisons and public places how to be dealt with.

4. (1) If a person dies in a hospital or in a prison and his body is not claimed by any of his near relatives within such time as may be prescribed, the authority in charge of such hospital or prison shall, with the least practicable delay, report the fact to the authorised officer, and the said officer shall take possession of the unclaimed body and except in the case referred to in sub-section (3), hand it over to the authority in-charge of a teaching medical institution, if it is required by that authority for the purpose of conducting pathological or anatomical examination and dissection.

(2) If a person dies in any public place in an area in which he had no permanent place of residence and the body of that person is not claimed by any of his near relatives within such time as may be prescribed the authorised officer shall take possession of the unclaimed body and except in the case referred to in sub-section (3) hand it over to the authority in-charge of a teaching medical institution, if it is required by that authority, for the purpose

specified in sub-section (1).

(3) When there is any doubt regarding the cause of death or when for any reason the authorised officer considers it expedient so to do shall forward the unclaimed body to a police officer referred to in section 174 of the Code of Criminal Procedure, 1898.

(4) Where any unclaimed body taken possession of by the authorised officer under this section is not required by the authority in charge of a teaching medical institution for the purpose specified in sub-section (1), it shall be disposed of in such manner as may be prescribed.

Doubt or dispute as to near relative to be referred to the City Coroner or a City Magistrate or Magistrate of the first class.

5. (1) If any doubt or dispute arises whether a person is or is not a near relative of the deceased for the purpose of section 4, the matter shall be referred to a Magistrate of the first class having jurisdiction and the decision of such Magistrate shall be final.

(2) Pending such decision, the body of the deceased person shall be preserved from decay in such manner as may be prescribed.

Penalty.

6. Whoever disposes of, or abets the disposal of, an unclaimed body save as provided by this Act, or obstructs any authority in-charge of a teaching medical institution or an authorised officer from handing over, taking possession of, removing or using, such dead body for the purpose specified in section 4, shall be punishable with the fine which may extend to five hundred rupees.

Duty of Police and other officers to assist.

7. All officers and servants of the Police, Medical and Public Health Departments, all officers and servants in the service of a local authority, and all village officers and servants shall be bound to take all reasonable measures to assist authorised officers in the discharge of their duties under this Act.

Protection of persons acting under this Act.

8. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of this Act.

Power to make rule.

9. The State Government may, by notification in the official Gazette make rules for carrying out the purposes of this Act.

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THE HYDERABAD KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955.

No. XII of 1955.

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* THE HYDERABAD KHADI AND VILLAGE INDUSTRIES BOARD ACT, 1955.

No. XII of 1955.

An Act to provide for the incorporation and establishment of a Board for encouraging and organising Khadi and Village Industries in Hyderabad.

Preamble.

WHEREAS it is expedient to incorporate and establish a Board for encouraging and organising Khadi and Village Industries in Hyderabad ;

BE it enacted in the Sixth Year of Our Republic as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Khadi and Village Industries Board Act, 1955.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall be deemed to have come into force on the 18th day of July, 1955.

Definitions.

2. In this Act, unless there is anything repugnant to the subject or context,—

(a) 'Board' means the Hyderabad Khadi and Village Industries Board established under section 3 ;

(b) 'Chairman', 'Vice-Chairman', 'Secretary' and 'Member' means respectively, the Chairman, Vice-Chairman, Secretary and Member of the Board ;

(c) 'Khadi' means any handloom cloth woven by hand from yarn handspun in India and certified by the All India Khadi and Villages Industries Board or its representative;

(d) 'Prescribed' means prescribed by rules made under this Act; and

(e) 'Village industries' includes such industries as may be recommended from time to time by the Khadi and Village Industries Board appointed by the Central Government and such other industries as may be determined by the Board to be village industries.

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* Published in Gazette Extraordinary No. (131), dated 28th. October, 1955.

CHAPTER II.

Establishment and Constitution of the Board.

Establishment.

3. (1) As soon as may be after the coming into force of this Act, the Government shall, by a notification in the Official Gazette, establish for the purposes of this Act a Board to be called the Hyderabad Khadi and Village Industries Board.

(2) The Board shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable, to contract and to do all things, incidental to and necessary for the purposes of this Act, and shall by the said name sue and be sued through the Secretary.

Constitution.

4. The Board shall consist of the following:—

(a) The Minister-in-charge of the Comerce and Industries Department in the Government for the time being, who shall ex-officio be the Chairman; and

(b) Such members including the non-official members as may, from time to time, be appointed by the Government by notification in the Official Gazette.

Vice-Chairman.

5. (1) The Vice-Chairman shall be elected by the Members from amongst themselves in the prescribed manner.

(2) Subject to the provisions of sub-section (3) the Vice-Chairman shall hold office so long as he is a member.

(3) The Vice-Chairman may resign his office by a letter addressed to the Chairman or may be removed by a resolution passed by a majority of the non-official members of which not less than fourteen clear days' notice shall be given to all non-official members.

Functions of the Chairman and Vice-Chairman.

6. (1) The Chairman shall exercise such powers and discharge such duties as may be conferred on him by or under this Act.

(2) The Vice-Chairman shall exercise such of the powers and discharge such of the duties of the Chairman as may be prescribed or as may, from time to time, be delegated to him by the Board.

Term of Office of Members.

7. The term of office of non-official members, shall be such as may be prescribed.

Resignation.

8. Any non-official member may at any time, resign his office by giving notice thereof in writing to the Government and, on such resignation being accepted by the Government shall be deemed to have vacated his office.

Allowance to non-official members.

9. Non-official members shall be paid from the fund of the Board such allowances as may be prescribed.

Secretary.

10. (1) The Government shall appoint a Secretary, who shall be from among non-official members, to the Board who shall exercise such powers and perform such duties as may be prescribed or as may, from time to time, be delegated to him by the Board or the Chairman.

(2) The Secretary shall be an officer of the Board, whole time or part time, as the Government may direct.

Committees.

11. (1) The Board may constitute an Executive Committee consisting of not more than five members including the Vice-Chairman, to exercise such powers and discharge such duties as the Board may determine by regulations or as may be prescribed.

(2) The Vice-Chairman shall be ex-officio Chairman of the Executive Committee.

(3) Subject to such restrictions, if any, as may be prescribed, the Board may constitute Standing Committees or Ad-hoc Committees for exercising any power or discharging any duty of the Board or for enquiring into a reporting and advising on any matter which the Board may refer to them.

(4) A Standing Committee shall consist exclusively of members.

(5) An Ad-hoc Committee may include persons who are not members but their number shall not exceed one-half of the total number of members.

Disqualification for appointment on Board.

12. (1) A person shall be disqualified for being appointed, or for continuing, as a member if he—

(a) holds any office or place of profit under the Board;

(b) is found to be a lunatic or becomes of unsound mind;

(c) is, or at any time has been, adjudicated insolvent;

(d) has directly or indirectly by himself, by his wife or son, or by any partner, any share or interest in any subsisting contract or employment with by or on behalf of the Board.

(2) A person shall not be disqualified—

(i) under clause (a) of sub-section (1) by reason only of his being a member receiving allowance as provided in Section 9;

(ii) under clause (d) of sub-section (1) by reason only of his, or of the incorporated company or of a co-operative society of which he is a Director, Secretary, Manager or other salaried officer having, a share or interest in any newspaper, in which any advertisement relating to any affairs of the Board is inserted; or by reason only of his being a shareholder of a company or society having any such share or interest as is referred to in either of those two clauses:

Provided that such person discloses to the Government the nature and extent of the share held by him from time to time.

Removal and suspension of members.

13. (1) The Government may remove from the Board any member, who in its opinion,—

(a) refuses to act; or

(b) has beome incapable of acting; or

(c) has so abused his position as a member as to render his continuance on the Board detrimental to the interests of the public or of the Board; or

(d) is absent without permission from four successive meetings of the Board; or

(e) ceases to reside in the State of Hyderabad; or

(f) is otherwise unsuitable to continue as a member.

(2) The Government may suspend any member pending an inquiry against him in connection with his proposed removal.

(3) No order of removal under sub-section (1) shall be made unless the member concerned has been given an opportunity to submit his explanation to the Government with reference to the grounds of his proposed removal.

(4) A member who has been removed under sub-section (1) shall not be eligible for reappointment as a member.

Filling in vacancies.

14. When a member dies, or resigns under section 8 or is removed under section 13, or when any member is subject to any of the disqualifications specified in section 12, his office shall vacate and any vacancy so occurring shall be filled in by the Government as early as practicable:

Provided that during any such vacancy the continuing members may act as if no vacancy had occurred.

Vacancy or defect not to invalidate proceedings.

15. No act or proceeding of the Board under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the appointment of a member or in the constitution of the Board:

Provided that the Board shall not act or take any proceeding at any time when, by reason of any vacancy occurring the number of continuing non-official members is less than one-half of the total number of such non-official members.

Meetings of the Board.

16. The Board shall from time to time, make such arrangements with respect to the date, time, place, notice, management and adjournment of its meetings as may be determined by regulations made by the Board, subject to the following provisions, namely:—

(a) ordinary meetings shall be held once at least in every three months;

(b) the Chairman may, whenever he thinks fit, call special meetings;

(c) the proceedings of the meetings of the Board shall be forwarded to the Government in the department concerned.

CHAPTER III.

Functions and Powers of the Board.

Functions of the Board.

17. The Board shall perform all or any of the functions in respect of the following matters, namely:—

(1) to start, encourage, assist and run Khadi and Village Industries;

(2) to help members of the public by providing them with work in their homes and to give them monetary accommodation, if necessary;

(3) to organise co-operative societies for Khadi and Village Industries;

(4) to conduct training centres and to train people at these centres or at other centres outside the State of Hyderabad in Khadi and Village industries;

(5) to arrange for the supply of raw materials, tools and implements for Khadi and Village industries and for sale of the finished products;

(6) to arrange for publicity and popularising of Khadi and goods manufactured in village industries by opening stores, shops, exhibitions and the like;

(7) to endeavour to educate public opinion and cultivate in the public a liking for Khadi and Village industries and for the utilization of products of such industries;

(8) to seek and obtain advice and guidance in the subjects mentioned above by inviting experts;

(9) to undertake and encourage research in Khadi and Village Industries;

(10) to carry on such activities as are incidental and conducive to the objects of this Act; and

(11) such other functions as may be prescribed.

Powers of the Board.

18. The Board shall, for the purposes of performing its functions under this Act, have powers:—

(i) to acquire and hold such movable and immovable property as it may deem necessary and to lease, sell or otherwise transfer any such property:

Provided that in cases of such transactions pertaining to immovable property, previous sanction of the Government shall be obtained;

(ii) to appoint a committee for securing the efficient discharge of its functions and in particular for ensuring that these functions are exercised with due regard to the circumstances and requirements of particular local areas;

(iii) to incur expenditure and undertake works in any area in the State of Hyderabad for the framing and execution of such scheme for the purposes of this Act as it may consider necessary from time to time, or as may be entrusted to it by the Government, subject to the provisions of this Act and the rules made thereunder.

CHAPTER IV.

Office, Officers and Servants of the Board.

Office.

19. The Board shall have an office in the City of Hyderabad to which all communications and notices shall be addressed.

Officers and servants.

20. The Board may appoint such officers and servants as it considers necessary for the efficient performance of its functions.

Functions and duties of officers and servants.

21. The functions and duties of the officers and servants of the Board shall be such as the Board may determine by regulations.

Pay and conditions of service of the Secretary and other officers and servants.

22. (1) The pay and other conditions of service of the Secretary shall be such as may be prescribed.

(2) The pay and other conditions of service of other officers and servants of the Board shall be such as may be determined by the Board by regulations.

CHAPTER V.

Property, Finance, Contracts, Audit and Returns.

Transfer of property by Government to Board.

23. The Government may, for the purpose of this Act, transfer to the Board any of its buildings, lands or other properties whether movable or immovable, for use and management by the Board on such conditions and limitations as the Government may deem fit to impose.

Expenditure and contracts made before the establishment of the Board.

24. All debts and expenditure incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Government, in connection with or for the purposes of this Act before and upto the date the establishment of the Board shall be deemed to have been respectively incurred, entered into or engaged to be done by, with or for the Board, and all suits, and other legal proceedings instituted by or against the Government in respect thereof shall be deemed to be instituted and continued as such by or against the Board, as the case may be.

Contracts by the Board.

25. All contracts to which the Board is party shall be signed by the Secretary on its behalf.

Fund of the Board.

26. (1) The Board shall have its own fund and all receipts of the Board shall be credited thereto and all payments by the Board shall be made therefrom.

(2) The Board may accept grants, subventions, donations, and gifts from the Government or a local authority or any private body whether incorporated or not, or an individual "or any body". This will include bodies like the All-India Khadi and Village Industries Board, for all or any of the purposes of this Act.

(3) All moneys belonging to the fund of the Board shall be deposited in such manner as may be prescribed.

(4) Accounts of the Board in banks shall be operated upon by such officers of the Board jointly or individually as may be authorised by the Board.

Application of fund and property.

27. All property, fund and other assets with the Board shall be held and applied by it, subject to the provisions and for the purposes, of this Act.

Annual programme and establishment. Schedule.

28. (1) In each year, on such date and in such form as may be prescribed, the Board shall prepare and forward to the Government—

(a) a programme of the work for the next year; and

(b) a schedule of the staff, of officers and servants already employed and to be employed during the next year.

(2) The programme shall contain—

(a) particulars of the Schemes which the Board proposes to execute whether in part or whole, during the next year;

(b) particulars of any work or undertaking which the Board proposes to organise during the next year for the purposes of carrying out its functions under this Act; and

(c) such other particulars as may be prescribed.

(3) The Government may approve and sanction the programme and the schedule of the staff of officers and servants forwarded to it with such modifications, if any, as it deems fit to make and the modification so made shall be binding on the Board.

Budget.

29. The Board shall, on such date and in such form as may be prescribed, prepare and submit to the Government, the budget for the next financial year, showing the estimated receipts and expenditure on capital and revenue accounts according to the programme and schedule of the staff sanctioned by the Government.

Sanction of Budget.

30. (1) The Government may sanction the budget submitted to it with such modifications, if any, as it deems proper to make.

(2) The Board shall be competent to reappropriate such amounts as may be necessary from one scheme to another or within sub-heads and minor-heads, subject to the condition that the cost of any scheme shall not exceed the amount originally sanctioned by the Government by more than one-third, without the approval of the Government.

Supplementary programme and Budget.

31. The Board may submit a supplementary programme and a supplementary budget for the sanction of the Government in the prescribed form and the provisions of sub-section (2) of section 28 and section 29 and 30 shall apply to such supplementary programme and supplementary budget respectively.

Annual Report.

32. The Board shall prepare and forward to the Government in such manner as may be prescribed an annual report within three months after the end of the financial year, giving complete account of its activities during the previous financial year.

Further reports on statistics and returns.

33. The Board shall, before such date and at such intervals and in such manner as the Government may, from time to time, direct submit to the Government reports on such matters and statistics and returns as the Government may require.

Accounts and audit.

34. (1) The accounts of the Board shall be maintained and an annual statement of accounts shall be prepared insuch manner as may be prescribed.

(2) The accounts of the Board shall be audited by a chartered Accountant or by such person as the Government may appoint in this behalf.

(3) As soon as the accounts of the Board are audited, the Board shall send a copy thereof together with a copy of the report of the auditor thereto to the Government.

(4) The audited accounts of the Board shall be submitted to the Government in such manner as may be prescribed.

(5) The Board shall comply with such directions as the Government may, after the report of the audit, think fit to issue.

CHAPTER VI.

Miscellaneous.

Directions by Government.

35. (1) In the performance of its functions the Board shall be guided by such instructions on questions of policy as may be given to it by the Government.

(2) If any dispute arises between the Government and the Board as to whether a question is or is not a question of policy the decision of the Government shall be final.

Members, Officers and servants to be public servants.

36. (1) The Members, Officers and servants of the Board, whether appointed by the Government or the Board, shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

(2) (i) No suit or prosecution or other legal proceedings shall lie against any person in the employment of the Board for anything which is in good faith done or purported to be done under this Act.

(ii) Save as otherwise provided in this Act no suit or other legal proceedings shall lie against the Board for any damage caused, or likely to be caused by anything in good faith done or purported to be done under this Act.

Rules.

37. The Government may make rules for carrying out the purposes of this Act, and, in particular, and without prejudice to the generality of the foregoing power, such rules may provide for any matter which is to be or may be prescribed.

Powers to make regulations.

38. The Board may, with the previous sanction of the Government, make regulations consistent with this Act and the rules made thereunder—

(a) regulating its own procedure and the procedure of its committees, including the Executive Committee.

(b) defining the powers of the Secretary and other officers of the Board and

(c) providing for any matter on which regulations are to be or may be made under this Act.

Saving.

39. Nothing in this Act shall be deemed to apply to any industry deemed to be a scheduled industry under the Industries (Development and Regulation) Act, 1951 (Central Act LXV of 1951), or to affect any of the provisions of the said Act.

Repeal of Hyderabad Ordinance, II of 1955.

40. (1) The Hyderabad Khadi and Village Industries Board Ordinance, 1955 (II of 1955) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

THE HYDERABAD PUBLIC SERVICE COMMISSION (EXTENSION OF FUNCTIONS) ACT. 1955.

No. XVI of 1955.

CONTENTS.

PREAMBLE.

Sections.

1. Short title, extent and commencement.
2. Extention of the functions of the Hyderabad Public Service Commission to the Hyderabad Local Government Service.

*THE HYDERABAD PUBLIC SERVICE COMMISSION (EXTENSION OF FUNCTIONS) ACT, 1955.

No. XVI of 1955.

An Act to provide for the extension of functions of the State Public Service Commission, under Article 321 of the Constitution of India, in respect of the Hyderabad Local Government Service.

Preamble.

WHEREAS it is expedient to provide for the extension of functions of the State Public Service Commission, under Article 321 of the Constitution of India, in respect of the Hyderabad Local Government Service;

BE it enacted in the Sixth Year of Our Republic as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Public Service Commission (Extension of Functions) Act, 1955

(2) It extends to the whole of the State of Hyderabad and shall come into force from the date of its publication in the official Gazette.

Extension of the functions of the Public Service Commission to the Hyderabad Local Government Service.

2. The State Public Service Commission shall exercise the same functions and perform the same duties in respect of the various posts in the Hyderabad Local Government Service as it exercises and performs in respect of the Civil Services and posts of the State under Article 320 of the Constitution of India.

Explanation.—For the purposes of this section "Hyderabad Local Government Service" means the service constituted by the State Government for the purposes of sections 31 (2) (c) and 79 of the Hyderabad District Boards Ain, 1352 Fasli (No. III of 1352 F.), section 41-A of the Hyderabad Municipal Corporation Act, 1950 (No. XXXVI of 1950) and sections 29 (2) (c) and 80 of the Hyderabad Municipal and Town Committees Act, 1951 (No. XXVII of 1951).

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*Published in Gazette Extraordinary No. 135, dated 28th October, 1955.

THE HYDERABAD LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) ACT, 1955.

No. XVIII of 1955.

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PREAMBLE.
Sections.

1. Short title and Commencement.
2. Removal and prevention of disqualification for membership of the Hyderabad Legislative Assembly.
3. Repeal of Hyderabad Act XXXI of 1951.

THE HYDERABAD LEGISLATIVE ASSEMBLY (PREVENTION OF DISQUALIFICATION) ACT, 1955.

No. XVIII of 1955.

An Act to repeal and re-enact with modifications the Hyderabad Legislative Assembly (Prevention of Disqualification) Act, 1951, with a view to declare certain offices of profit under the Government of India or the Government of any State not to disqualify their holders for being chosen as, or for being members of the Hyderabad Legislative Assembly.

Preamble. WHEREAS it is expedient to repeal and re-enact with modifications the Hyderabad Legislative Assembly (Prevention of Disqualification) Act, 1951, with a view to declare that certain offices of profit under the Government of India or the Government of any State should not, under certain conditions, disqualify, or be deemed to have disqualified the holders thereof for being chosen as, or for being, members of the Hyderabad Legislative Assembly;

BE it enacted in the Sixth Year of Our Republic as follows:—

Short title and commencement. 1. (1) This Act may be called the Hyderabad Legislative Assembly (Prevention of Disqualification) Act, 1955.

(2) It shall be deemed to have come into force on the 13th day of November, 1951.

Definitions. 2. In this Act, unless the context otherwise requires:

(a) "Committee" means any Committee, Commission, Council, Board or any other body of one or more persons whether statutory or not, set up by the Government of India or the Government of any State;

(b) "Compensatory allowance" means such sum of money as the Central Government or the Government of any State, as the case may be, may determine as being payable to the Chairman or any other member of a Committee by way of travelling allowance, daily allowance, conveyance allowance or house rent allowance for the purpose of enabling the Chairman or other member to

* Published in Gazette Extraordinary No. 137, dated 28th October, 1955.

recoup any expenditure incurred by him in attending any meeting of a Committee or performing any other functions as a member of a Committee.

(c) "statutory body" means any corporation, board, company, society or any other body of one or more persons, whether incorporated or not, established, registered or formed by or under any Central law or the law of any State for the time being in force or exercising powers and functions under any such law.

Removal and prevention of disqualification for membership of the Hyderabad Legislative Assembly.

3. It is hereby declared that the following offices shall not disqualify and shall be deemed never to have disqualified, the holders thereof for being chosen as, or for being members of the Hyderabad Legislative Assembly,—

(a) the office of a Deputy Minister, a Chief Parliamentary Secretary, a Parliamentary Secretary, a Parliamentary Under-Secretary, a Chief Whip or a Deputy Chief Whip;

(b) the offices of the Vice-Chancellors of Universities;

(c) the offices held by officers in the National Cadet Corps raised and maintained under the National Cadet Corps Act, 1948 (XXXI of 1948) and in the Territorial Army raised and maintained under the Territorial Army Act, 1948 (LVI of 1948);

(d) the office of Chairman and member of a Committee set up by the Government of India or the Government of any State, whether the holder of any such office is in receipt of or entitled to compensatory allowance or any other remuneration;

(e) the offices of Chairman, Director, Member and Officer of a Statutory body, where the power to make any appointment to any such office or the power to remove any such person therefrom is vested in the Government of India or the Government of any State, as the case may be;

(f) the office of Member of any local authority;

(g) the office of part-time professors or lecturers in a Government College;

(h) the office of Honorary Medical Officer or Honorary Assistant Medical Officer in a hospital under Government management;

(i) any other part-time office carrying any fee or remuneration;

(j) the office of a village official or **Watandar**, namely: **Patel, Patwari, Deshmukh, Deshpandya** or **Hissedar** in such **Watan** who is not performing any service connected with the office or **Watan** himself or who is not customarily entrusted with any such service and who is in receipt of any share of the scale of **Rusum** or other emoluments to which he may be entitled as a hereditary **Watandar** or **Hissadar** in the form of **Haq-i-Malikana** or otherwise;

(k) a person drawing his service pension, political pension or grant, **mansab,** charitable grant or commutation sum or compensation in respect of a **jagir, inam** or other grant.

Repeal of Hyderabad Act XXXI of 1951.

4. The Hyderabad Legislative Assembly (Prevention of Disqualification) Act, 1951 (XXXI of 1951) is hereby repealed.

——:o:——

THE GOVERNMENT PREMISES (EVICTION) ACT, 1955.

No. XIX of 1955.

CONTENTS.

PREAMBLE.

Sections.

1. Short title, extent and commencement.
2. Definitions.
3. Power to evict certain persons from Government premises.
4. Power to recover arrears of rent and damages.
5. Appeal.
6. Procedure and power of competent authority and appellate authority.
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9. Protection of action taken in good faith.
10. Penalty.

*THE GOVERNMENT PREMISES (EVICTION) ACT, 1955.

No. XIX of 1955.

An Act to provide for the eviction of certain persons from Government premises and for certain matters connected therewith.

Preamble.

WHEREAS it is expedient to provide for the eviction of certain persons from Government premises and for certain matters connected therewith:—

BE it enacted in the Sixth Year of Our Republic as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Government Premises (Eviction) Act, 1955.

(2) It extends to the whole of the State of Hyderabad and shall come into force at once.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) 'appellate authority' means the appellate authority constituted under section 5;

(b) 'competent authority' means a judicial officer not lower in rank than a Munsiff, appointed by the Government, by notification in the Official Gazette to perform the functions of the competent authority under this Act for such area as may be specified in the notification;

(c) 'Government premises' means any premises belonging to, taken on lease, requisitioned, in possession of or under the control of the Government;

(d) 'premises' means any building, part of a building or land and includes—

(i) the garden, grounds and out-houses, if any, appertaining to such building or part of a building, and

(ii) any fittings affixed to such building or part of a building for the more beneficial enjoyment thereof;

(e) 'prescribed' means prescribed by rules made under this Act.

(f) 'unauthorised occupation' in relation to any person authorised to occupy any public premises, includes the continuance in occupation by him of the premises, after the authority under which he was allowed to occupy the premises has been duly determined.

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* As published in Gazette Extraordinary No. 150, Dated 21-11-1955.

Power to evict certain persons from Government premises.

3. (1) Notwithstanding anything contained in any law for the time being in force and whether before or after the commencement of this Act if the competent authority is satisfied—

(a) that the person authorised to occupy any Government premises—

(i) has sub-let, without the permission of the Government or of any other authority competent to permit such sub-letting, the whole or any part of such premises, or

(ii) has otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises or

(iii) has not vacated such premises after the expiry of a period of 30 days specified in the notice served on such person by the competent authority to terminate the lease;

(b) that any person is in unauthorised occupation of any Government premises, the competent authority may, by notice served by post or otherwise, order that person as well as any other person who may be in occupation of the whole or any part of the Government premises, shall vacate them within fifteen days of the date of the service of the notice.

(2) If any person refuses or fails to comply with an order made under sub-section (1), the competent authority may, after giving such person a reasonable opportunity of being heard, evict that person from, and take possession of the Government premises, and may for that purpose use such force as may be necessary.

Power to recover arrears of rent and damages.

4. (1) Where any person in authorised occupation of any Government premises is in arrears of rent the competent authority may by notice served on such person by post or otherwise order such person to pay the arrears of rent together with such other amounts as may be due by him under the contract, agreement, lease, indemnity bond, damages or otherwise within such time as may be specified in the notice, which shall not be less than fifteen days.

(2) Where any person is in unauthorised occupation of the Government premises, the competent authority may in the prescribed manner, assess such damages on account of the use and occupation of the Government

premises as it may deem fit and may, by notice served by post or otherwise as may be prescribed by the rules made in this behalf, order that person to pay the damages within such time as may be specified in the notice, which shall not be less than fifteen days.

(3) If any person refuses or fails to pay the amount specified in sub-section (1) or (2), as the case may be, within the time specified in the notice, the competent authority may, after giving such person a reasonable opportunity of being heard, recover the amount due by him on account of arrears of rent together with such other amounts as may be due by him under the contract, agreement, lease, indemnity bond, damages or otherwise as if it were arreas of land revenue.

Appeal

5. (1) Any person aggrieved by an order of the competent authority under section 3 or section 4 may, within fifteen days of the date of the service of the notice under section 3 or section 4, as the case may be, prefer an appeal to such appellate authority consisting of one or more judicial officers not lower in rank than a District Judge as the Government may, by notification in the official Gazette, constitute in this behalf :

Provided that the appellate authority may entertain the appeal after the expiry of the said period of fifteen days, if it is satisfied that the appellant was prevented by sufficient cause from filing an appeal in time.

(2) On receipt of an appeal under sub-section (1) the appellate authority may, after calling for a report from the competent authority and giving the aggrieved person a reasonable opportunity of being heard and after making such further inquiry, as may be necessary, pass such orders as it thinks fit, which shall be final, subject to the provisions of section 7.

(3) Where an appeal is preferred under sub-section (1) the appellate authority may stay the enforcement of the order of the competent authority for such period and on such conditions as it thinks fit.

Procedure and power of competent authority and appellate authority.

6. (1) The competent authority and the appellate authority shall follow such procedure as may be prescribed, and subject thereto, the provisions of the Code of Civil Procedure, 1908 (V of 1908), shall so far as they are not inconsistent with this Act or the rules or orders made thereunder apply to all proceedings before the competent authority and the appellate authority.

(2) In proceedings under this Act, the competent authority shall have the same powers as are vested in a Civil Court when trying a suit, and the appellate authority shall have the same powers as are vested in a Civil Court when hearing an appeal, under the Code of Civil Procedure, 1908 (V of 1908).

(3) The competent authority and the appellate authority shall be deemed to be a Civil Court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898 (V of 1898) and any proceedings before the competent authority and the appellate authority shall be deemed to be a judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code, 1860 (XLV of 1860).

Revision.

7. The High Court may call for the records of any case in which an order has been passed on appeal by the appellate authority and if such appellate authority appears—

(a) to have exercised a jurisdiction not vested in it by law; or

(b) to have failed to exercise a jurisdiction so vested; or

(c) to have acted in the exercise of its jurisdiction illegally or with material irregularity;

the High Court may make such order in the case as it thinks fit.

Bar of jurisdiction of Civil Courts.

8. Save as provided in sections 5 and 7, no order made by the competent authority or appellate authority in exercise of any power conferred by or under this Act shall be called in question in any Court and no injunction shall be granted by any Court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Protection of action taken in good faith.

9. No suit, prosecution or other legal proceedings shall lie against the State Government, appellate authority or the competent authority in respect of anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder.

Penalty.

10. Any person who contravenes any provision of this Act or of any rule or order made thereunder or obstructs the lawful exercise of any power conferred by or under this Act shall be punishable with fine which may extend to one thousand rupees.

11. (1) The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the form of notice under clause (b) of subsection (1) of section 3 and the manner in which it may be served;

(b) the procedure to be followed by the competent authority in proceedings under this Act;

(c) the circumstances in which rent in respect of Government premises may be recovered as an arrear of land revenue;

(d) the manner in which damages for unauthorised occupation may be assessed under section 4 and the matters which may be taken into account in assessing such damages;

(e) the manner in which appeals may be preferred and the procedure to be followed in appeals under section 5;

(f) any other matter which has to be, or may be prescribed.

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THE HYDERABAD DISTRICT BOARDS ACT, 1956.

No. I of 1956.

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THE HYDERABAD DISTRICT BOARDS ACT, 1955.

No. I of 1956.

(Received the assent of the President on 21st January, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 24th January, 1956).

An Act to amend and consolidate the law relating to District Boards in the State of Hyderabad.

WHEREAS it is expedient to amend and consolidate the law relating to District Boards in the State of Hyderabad.

BE it enacted in the Sixth Year of our Republic as follows:—

CHAPTER I—Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad District Boards Act, 1955.

(2) It extends to the whole of the State of Hyderabad except areas legally included within the jurisdiction of Corporations constituted under the Hyderabad Municipal Corporation Act, 1950, or of any Cantonment or of any City Municipal Committee or Town Municipal Committee constituted under the Hyderabad Municipal and Town Committees Act, 1951 or of a Mines Board of Health.

Definitions.

(3) It shall come into force on such date as may be specified by Government by notification in the official Gazette.

2. In this Act unless there is anything repugnant in the subject or context—

(i) 'Board' means a District Board constituted under this Act;

(ii) 'building' includes a house, out-house, shop, stable, ware-house, workshop, canopy, shed, hut or other enclosure whether used as a human dwelling or otherwise and shall include also walls including compound wall and fencing, verandahs, platforms, plinths, doorsteps and the like;

(iii) 'Collector' means the Collector of the District for which a Board has been constituted;

(iv) 'district' means a revenue district constituted as a district from time to time under the Land Revenue Act, 1317 F.;

(v) 'erect or re-erect any building' includes—

(a) any material alteration or enlargement of any building,

(b) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation,

(c) the conversion of one or more places of human habitation into a greater number of such places,

(d) the conversion of two or more places of human habitation into a lesser number of such places,

(e) such alteration of a building as effect a change in its drainage or sanitary arrangements or materially affect its security,

(f) the addition of any rooms, building, out-houses or other structures to any building,

(g) conversion by any structural alteration into a place of religious worship or into a sacred building, any place or building not originally meant or constructed for such purpose,

(h) roofing or covering an open space between walls or buildings as regards the structure which is formed by roofing or covering such space.

(i) conversion into a stall, shop, ware house or go-down of any building not originally constructed for use as such or **vice versa**,

(j) construction on a wall adjoining any street or land not vested in the owner of the wall, of a door opening on such street or land;

(vi) 'factory' means besides a factory as defined in the Factories Act, 1948, any premises, including the precincts thereof wherein any industrial manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(vii) 'financial year' means the year beginning on the 1st day of April or on such date as the Government may by notification appoint;

(viii) 'Government Servant' does not include a retired pensioner;

(ix) 'Health Officer' means the Health Officer, if any, employed by or on behalf of the Board, and if there is no such officer, the Health Officer of the District;

(x) 'infectious disease' means cerebro-spinal fever, chicken-pox, cholera, diptheria, enteric fever, epidemic influenza, leprosy measles, plague, rabies, scarlet fever, small-pox, tuberculosis, typhus, yaws or any other disease which the Government may notify in this behalf either generally throughout the State or in such part or parts thereof as may be specified in the notification;

(xi) 'inhabitant' includes any person ordinarily residing or carrying on business or owning or occupying immovable property in any area within the jurisdiction of a Board;

(xii) 'market' means a place for the sale of goods or animals publicly exposed where, ordinarily or periodically, at least four shops, stalls or sheds are set up or at least ten animals are brought for sale;

(xiii) 'member' means a member of the Board;

(xiv) 'occupier' means any person in actual possession of any land or building or part thereof, and includes an owner in actual possession, and a tenant or licensee whether such tenant or licensee is liable to pay rent or not;

(xv) 'offensive matter' includes night-soil and other contents of latrines, cesspools and drains; dung and the refuse or useless or offensive material thrown out in consequence of any process of manufacture industry or trade, putrid and putrifying substances, dirt, house sweeping spittings, including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper;

(xvi) 'offensive trade' means any trade, business or industry in which the substances dealt with are, or are likely to become a nuisance;

(xvii) 'owner' includes the person for the time being receiving the rent of any land or building or part thereof, whether on his own account, or as agent, receiver, or trustee or who would receive rent if the land or building or part thereof were let to a tenant;

(xviii) 'Panchayat' means a Panchayat established under the Hyderabad Village Panchayat Act, 1951;

(xix) 'prescribed' means prescribed by the rules made under this Act;

(xx) 'President' means the President of the Board;

(xxi) 'private market' means a market other than a public market or a market established under the Hyderabad Agricultural Market Act, 1339 F.;

(xxii) 'public market' means any market belonging to a Board or acquired, constructed, maintained or managed by the Board;

(xxiii) 'public nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right;

(xxiv) 'street' means any road, footway, square, court, alley or passage, accessible to the public, whether a thoroughfare or not:

and shall include every vacant space, notwithstanding that it may be private property and partly or wholly obstructed by any gate, post, chain or other barrier, if houses, shops or other buildings abut thereon, and if it is used by any person as a means of access to or from any public place or thoroughfare, whether such persons be occupiers of such buildings or not, but shall not include any part of such space which the occupier of any such building has a right at all hours to prevent all other persons from using as aforesaid, and shall include also the drains on either side, and land, whether covered or not by any pavement, verandah or other erection, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property be private property or property reserved by Government or by the Board for any purpose other than a street;

(xxv) 'tax' includes any toll, rate, cess, fee or other impost leviable under this Act;

(xxvi) 'vehicle' includes a bicycle, tricycle, motor car, and every wheeled conveyance which is used or is capable of being used on a public street;

(xxvii) 'Vice-President' means the Vice-President of the Board;

(xxviii) the words used but not defined in this Act shall have the meanings assigned to them in the Land Revenue Act of 1317 Fasli.

Power to except areas from the provisions of this Act.

3. (1) If the circumstances of any district or part of the district are such that, in the opinion of the Government, it is inexpedient to apply any of the provisions of this Act thereto, the Government may by notification except the area from the operation of those provisions and thereafter the said provisions shall not apply to the area until applied thereto by notification.

(2) While such exception remains in force, the Government may make rules to regulate in the said area the matters excepted from the operation of the said provisions.

CHAPTER II.

CONSTITUTION OF BOARDS.

Establishment of Boards.

4. (1) Subject to the provisions of section 3 there shall be constituted under this Act for each district a Board having authority under this Act over such district.

(2) Such Board shall come into existence from such date as the Government may notify in this behalf and the notification shall specify the name of the Board as the District Board of the District for which it has been constituted.

Board to be deemed to be a corporate body.

5. Every Board shall be a body coporate known by the name specified in the notification issued under subsection (2) of section 4 and shall have perpetual succession and a common seal, and subject to any restrictions or qualifications imposed by or under this Act or any other enactment for the time being in force, shall be vested with the capacity of suing or being sued in its corporate name, of acquiring, holding and transferring property, movable or immovable, of entering into contracts and of doing all things necessary, proper and expedient for the purposes for which it is constituted.

Constitution of Boards.

6. (1) A Board shall consist of such number of elected members, subject to a maximum of 48 and a minimum of 16, as the Government shall by notification in the official Gazette declare for each district including a President and a Vice-President elected by the Board from amongst its members. Provided that the number of members to be allotted to each district shall be so determined as to ensure that there shall be not less than one member for every 30,000 of the population and not more than one member for every 20,000 of the population.

(2) At least four of such members shall belong to the Scheduled Castes and Scheduled Tribes, if any, as defined in clauses 24 and 25 of Article 366 of the Constitution of India.

(3) The determination of the seats for the Scheduled Castes and Scheduled Tribes shall, so far as may be, be made in proportion to their population in each district, by a notified order made by the Government in this behalf.

Delimitation of Constituencies and determination of number of members.

7. (1) For the purpose of election of members to a Board, the Government after consulting the Board shall, by notification—

(a) divide the district into circles;

(b) determine the circles in which the seats, if any, reserved under sub-section (2) of section 6 shall be set apart; and

(c) declare for whom such seats are reserved.

(2) Each circle shall be deemed to be a Constituency.

(3) Each of the circles shall return only one member except the circles referred to in clause (b) of sub-section (1) which shall, in addition to the member for such reserved seat, return one more member for the non-reserved seat. The number of members for each of the circles, shall be notified by the Government.

(4) All the voters of a circle irrespective of their community or sex, shall be entitded to vote at an election to any seat in that circle whether reserved or not.

(5) When issuing under sub-section (1) a notification which materially alters the existing division of a district into circles, the Government shall direct that the alteration shall take effect from the date of the next ordinary elections.

(6) When the number of members to be returned by a circle is altered or when a new circle is formed or when an existing circle is abolished, the Government shall, after consulting the Board, determine—

(a) the circle which each member then on the Board shall be deemed to represent; and

(b) the circle or circles in which elections shall be held to fill up the vacancies, if any, in the Board:

Provided that for the purpose of the first election after the commencement of this Act, the division of the district into circles and the allotment of seats to each circle shall be made subject to the approval of the Government by the Collector of the district concerned.

Qualification of voters.

8. (1) Unless disqualified under this Act, or under any other law for the time being in force, every person who—

(a) is a citizen of India;

(b) has attained the age of 21 years on the 1st day of March of the year in which the list of voters is prepared; and

(c) has the requisite residence or taxation qualification,

shall, subject to the provisions of sub-section (4), be entitled to have his name entered in the list of voters for a constituency:

Provided that no such person who has been adjudged by a competent Court to be of unsound mind shall be entitled to have his name entered in such list.

(2) A person shall be deemed to have the requisite residence qualification if he has ordinarily resided in a dwelling in the constituency for an aggregate period of not less than one hundred and eighty days in the year immediately preceding the first day of January of the year for which the list of voters is prepared:

Provided that a person who is an inmate or a patient in any prison, lunatic asylum, hospital or any other similar institutions shall not by reason thereof be deemed to have used such Institution as a dwelling for the purposes of this sub-section.

(3) A person shall be deemed to have the requisite taxation qualification if he was assessed to local cess or to the tax imposed under section 138 by a Board in the financial year immediately preceding that in which the list is prepared.

(4) A person who possess the requisite residence qualification under this section shall not by reason of such qualification, be entitled to have his name entered in the list for a constituency, if the place of residence of such person during the period referred to in sub-section (2) is within the limits of a Municipal Corporation or a City or Town Municipality, or a Cantonment or a Mines Board of Health comprised in such constituency, unless such person possesses the requisite taxation qualification.

Preparation of list of voters and period of operation of the list.

9. (1) For each constituency of the Board within his district, the Collector shall cause to be prepared and kept a list of the persons qualified to vote in such constituency.

(2) The list of voters first prepared under this Act shall come into force immediately upon its final publication in accordance with the rules made under this Act and shall remain in force until the 30th day of September next, and every list of voters subsequently prepared under this Act shall come into force on the 1st day of October of the year for which the list is being prepared and shall remain in force until the 30th day of September next following.

(3) If for any reason the list of voters for any constituency is in any year not finally published in the prescribed manner before the 1st day of October, then, until the day on which it is so published, the list of voters which was in force immediately before the said 1st day of October shall continue in force as the list of voters for that constituency.

(4) A person shall not be entitled to vote at an election unless he is enrolled in the list of voters at the time in operation for the constituency for which the election is held.

Effect of possessing qualification in more than one constituency.

10. If a person possesses qualifications to vote in more than one constituency, he shall within a prescribed time declare the constituency in which he proposes to vote and in the event of his failure to make such declaration within the prescribed time, he shall be entitled to vote only in anyone of the constituencies.

Elections when to be held.

11. (1) The first general election after the coming into force of this Act for the purposes of this Act shall be held by the Collector on such day or days as the Government shall fix in this behalf.

(2) Every subsequent general election for the purposes of this Act shall be held by the Collector within three months before the expiry of the term of office of the members of the Board as specified in section 34, on such day or days, as the Government shall fix in this behalf.

(3) Any vacancy in the office of a member of a Board shall be filled at a by-election which shall be fixed by Government to take place, as soon as may be, after the occurrence of the vacancy:

Provided that no by-election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement of the members.

Disqualification for corrupt practice.

12. Any person who has been convicted under section 171-E or 171-F of the Indian Penal Code, or has been disqualified from exercising any electoral right for a period of not less than six years on account of illegal or corrupt practices in connection with an election, shall, for four years from the date of such conviction or disqualification, be disqualified from voting at an election to or being a member of a Board.

Qualification for being elected as a member.

13. (1) Subject to the provisions of this Act, a person who is enrolled in the list of voters of any constituency within a district, shall be qualified to be elected as a member for any of the constituencies in the district.

(2) Any person who ceases to be a member shall, if qualified under sub-section (1), and not otherwise disqualified, be eligible for re-election as such.

Disqualification for being elected as a member.

14. (1) Subject to the provisions of this Act, a person shall be disqualified for being elected as a member of a Board if such person at the date of election—

(a) is one who has been sentenced by any Court to imprisonment or whipping for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted or altered to transportation or imprisonment:

Provided that on the expiry of such sentence, the disqualification incurred under this clause shall cease;

(b) is of unsound mind, a deaf-mute or a leper;

(c) holds any office or place of profit under Government or under the Board or under any local authority;

(d) is an undischarged insolvent;

(e) holds any judicial office with jurisdiction within the limits of the Board;

(f) is employed as paid legal practitioner on behalf of the Board, or as legal practitioner against the Board;

(g) having been a legal practitioner, has been dismissed or is under suspension by order of a competent court, the disqualification in the latter case being operative during the period of suspension;

(h) subject to the provisions of sub-section (2) has directly or indirectly by himself or his partner or if he belongs to a joint Hindu family, by any member of such family, any share or interest in any contract (except as a shareholder other than a Director in a company) or has employment with, by or on behalf of the board;

(i) has been dismissed from the service of the Government, Board or any local authority for misconduct and has been declared by a competent authority to be not eligible for further employment in public service;

(j) having been nominated as a candidate for the Board or having acted as an election agent of any person so nominated has failed to lodge a return of election expenses within the time and in the manner prescribed unless five years have elapsed from the date by which it ought to have been lodged or the Government have removed the disqualification.

(2) A person shall not be deemed to have incurred disqualification under clause (h) of sub-section (1) by reason only of his—

(a) receiving a pension from the Board;

(b) having any share or interest in;

(i) any lease, sale, exchange or purchase of land or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Board is inserted;

(iv) any Joint Stock Company or any Society registered or deemed to be registered under the Hyderabad Co-operative Societies Act, 1952, which shall contract with or be employed by the President or executive officer on behalf of the Board;

(v) the occasional sale to the President or Executive officer on behaf of the Board of any article in which he regularly trades of a value not exceeding in the aggregate in any one financial year one thousand rupees;

(vi) the occasional letting out on hire to the Board or hiring from the Board of any article for an amount not exceeding in the aggregate in any one financial year, five hundred rupees;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Board.

Appeals from decisions of Returning Officers.

15. (1) An appeal shall lie to the District Judge of the District in which the area of Board is situated as herein provided from any decision of a Returning Officer accepting or rejecting a nomination paper.

(2) Any candidate aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper may present an appeal therefrom to the District Judge within a period of seven days from the date of publication of the list of validly nominated candidates:

Provided that such candidate has, not later than 3 O'clock in the afternoon of the day next following the said date, given the Returning Officer a notice in writing of his intention to appeal under this section.

(3) If one or more notices has or have been received in accordance with the proviso to sub-section (2), the Returning Officer shall, immediately, after the expiry of the time mentioned in that proviso—

(a) publish the notices by affixing to his notice Board one copy of each of the notices together with an intimation in the prescribed form that the hearing of the appeals, if any, presented in pursuance of those notices will commence before the District Judge on the tenth day after the date of such publication; and

(b) send to the District Judge a copy of each of the notices, the intimation referred to in clause (a) and the list of validly nominated candidates.

(4) The Returning Officer shall, on application made by or on behalf of a candidate, supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(5) In every appeal under this section, the appellant shall join as respondents all the candidates (other than himself) whose nominations have been accepted by the Returning Officer.

(6) The intimation affixed to the notice board of the Returning Officer under clause (a) of sub-section (3) shall be deemed to be sufficient notice, both of the presentation of an appeal under this section and of the date on which the hearing thereof shall commence before the District Judge, and it shall not be necessary to give any other notice to the appellants or the respondents and the appeal or appeals shall be deemed to have been fixed for peremptory hearing on the said date.

(7) Every appeal under this section shall be heard **de die in diem** and disposed of by the District Judge as expeditiously as possible, and his decision shall be communicated forthwith to the Returning Officer.

(8) Where one or more notices of intention to appeal has or have been given to the Returning Officer, but no appeal is presented within the period specified in sub-section (2) the District Judge shall immediately intimate that fact to the Returning Officer in the prescribed form.

(9) In every case where one or more notices of intention to appeal has or have been given to the Returning Officer, he shall, upon receipt of the communications of the District Judge referred to in sub-sections (7) and (8) republish by affixing to his notice board the list of validly nominated candidates after revising it, if necessary, in conformity with the decisions of the District Judge.

(10) The decision of the District Judge on appeal under this section, and subject only to such decision the decision of the Returning Officer accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in quesion in any court or tribunal, including the election tribunal,

Disqualification for continuing as member.

16. (1) Subject to the provisions of section 18, a member of a Board shall cease to be a member if he—

(a) is or becomes subject to any of the disqualifications specified in section 14;

(b) accepts employment under or becomes the official subordinate of any other member;

(c) ceases to reside in the district;

(d) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the Board, within three months from the date of service of a Bill or notice or if no bill or notice is required to be served under this Act, within three months from date of service of a notice requiring payment thereof issued by the President, or Executive Officer (which it shall be their duty to issue and cause to be served at the earliest convenient date);

(e) absents himself at more than three consecutive meetings of the Board unless leave so to absent himself (which shall not exceed six months) had been granted by the Board or absents himself for over six consecutive months from meetings of the Board:

Provided that no meeting from which a member absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him.

Explanation.—A meeting held upon request under sub-section (2) of section 49 and a special meeting called under the said sub-section shall not be deemed to be a meeting within the meaning of this clause.

(2) Where a person ceases to be a member under clause (e) of sub-section (1), the President shall at once intimate the fact in writing to such person and report the same to the Board at its next meeting. If such person applies for restoration to the Board on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Board may at the meeting next after the receipt of such application or **suo motu** at the said meeting restore him to his office as member:

Provided that a member shall not be so restored more than twice during his term of office.

Prohibition of simultaneous representation.

17. (1) If a person is elected by more than one constituency, he shall by notice in writing, signed by him and delivered to the Collector within the prescribed time, choose any one of the constituencies which he shall serve and the choice shall be final.

(2) When any such choice has been made, the constituency or constituencies other than the constituency which such person has chosen to serve shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1) of this section, the election of such person shall be void and all constituencies concerned shall be called upon to elect another person or persons.

Reference to the Election Tribunal.

18. (1) Whenever it is alleged that any person who has been elected as member of a Board is disqualified under section 12, sub-section (1) of section 13, or section 16 and such person does not admit the allegation or whenever any member is himself in doubt whether or not he has become disqualified for office under section 12, sub-section (1) of section 13 or section 16 such member or any other member may, and the President at the request of the Board shall refer the matter for decision to the election tribunal appointed under section 23.

(2) The said tribunal after making such inquiry as it deems necessary, shall determine whether or not such person is disqualified under sections 12, 13 or 16 and its decision shall be final.

(3) Pending such decision the member shall be entitled to act as if he were not disqualified.

Pubilcation of the names in the official Gazette.

19. The names of all members finally elected to any Board as well as the names of nominated members, if any, appointed thereto, shall be forthwith published in the official Gazette.

Election petition.

20. No election shall be called in question except by an election petition which shall contain such matters, claim such relief and be presented in such manner as may be prescribed.

Presentation of petitions.

21. An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) and (2) of section 27 and section 28 to the Election Tribunal by any candidate at such election or any voter in such form and within such time but not earlier than the date of publication of the names of the elected members under section 19 as may be prescribed.

Parties to the petition.

22. A petitioner shall join as respondents to his petition all the candidates who were duly nominated at the election other than himself if he was so nominated.

Appointment of Election Tribunal.

23. The Government shall appoint an Election Tribunal for trial of petitions in respect of an election under this Act, consisting of three persons who are or have been or are eligible to be appointed Judges of the High Court. The Election Tribunal shall deal with such petitions and proceedings in connection therewith in the prescribed manner.

Powers of the Tribunal.

24. The Tribunal shall have the powers which are vested in a court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters:—

(a) discovery and inspection;

(b) enforcing the attendance of witnesses; and requiring the deposit of their expenses;

(c) compelling the production of documents;

(d) examining witnesses on oath;

(e) granting adjournments;

(f) reception of evidence taken on affidavit; and

(g) issuing commissions for the examination of witnesses;

and may summon and examine **suo motu** any person whose evidence appears to it to be material; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Decision of the Tribunal.

25. At the conclusion of the trial of an election petition, the Tribunal shall make an order—

(a) dismissing the election petition; or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected; or

(d) declaring the election to be wholly void.

Other orders to be made by the Tribunal.

26. (1) At the time of making an order under section 25 the Tribunal shall also make an order—

(a) Where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, recording—

(i) a finding whether any corrupt or illegal practice has or has not been proved to have been committed by, or with the connivance of, any candidate or his agent at the election, and the nature of that corrupt or illegal practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice and the nature of that practice, together with any such recommendations as the Tribunal may think proper to make for the exemption of any persons from any disqualifications which they may have incurred in this connection under rules made under section 200; and

(b) fixing the total amount of costs payable and specifying the persons by and to whom the costs shall be paid :

Provided that no person shall be named in the order under sub-clause (ii) of clause (a) unless:—

(a) he has been given notice to appear before the Tribunal and to show cause why he should not be so named; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Tribunal and has given evidence against him, of calling evidence in his defence and of being heard.

(2) Any order as to costs under clause (b) of sub-section (1) may include a directon for the payment of costs to the Advocate-General or Government Pleader or any other Pleader.

Grounds for declaring election to be void.

27. (1) If the Tribunal is of opinion—

(a) that the election has not been a free election by reason that the corrupt practice of bribery or of undue influence has extensively prevailed at the election; or

(b) that the election has not been a free election by reason that coercion or intimidation has been exercised or resorted to by any particular community, group or section on another community, group or section, to vote or not to vote in any particular way at the election; the Tribunal shall declare the election to be wholly void.

Explanation.—In clause (b) of this sub-section, the expression 'coercion' or 'intimidation' means any interference or attempt to interfere by whatever means with the free exercise of the right to vote or refrain from voting at an election, and includes a social or economic boycott of members of a community, group or section, or threat of such boycott, with intent to interfere with the free exercise of such right by those members.

(2) Subject to the provisions of sub-section (3) if the Tribunal is of opinion—

(a) that the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by any corrupt or illegal practice; or

(b) that any corrupt practice specified in the rules made under section 200 has been committed by a returned candidate or his agent or by any other person with the connivance of a returned candidate or his agent; or

(c) that the result of the election has been materially affected by the improper reception of any vote which is void, or by any non-compliance with the provisions of the Constittuion or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to the election, or by any mistake in the use of any prescribed form;

the Tribunal shall declare the election of the returned candidate to be void.

(3) If in the opinion of the Tribunal, a returned candidate has been guilty by an agent other than his election agent, of any corrupt practice but the Tribunal is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the sanction or connivance, of the candidate or his election agent;

(b) that all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;

(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practices at the election; and

(d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents;

then the Tribunal may decide that the election of the returned candidate is not void.

Grounds for which a candidate other than the returned candidate may be declared to have been elected.

28. If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Tribunal is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt or illegal practices the petitioner or such other candidate would have obtained a majority of the valid votes, the Tribunal shall after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

Procedure in case of an equality of votes.

29. If during the trial of an election petition it appears that there is an equality of votes between candidates at the election and that the addition of a vote would entitle any of those candidates to be declared eletcted, then—

(a) any decision made by the Returning Officer, under the provisions of this Act, shall, in so far as it de-

termines the question between those candidates, be effective also for the purposes of the petition; and

(b) in so far as that question is not determined by such a decision, the Tribunal shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

Communication of orders to the Collector and the transmission of the records of the case.

30. The Tribunal shall, after announcing the orders made under sections 25 and 26 send a copy thereof along with the records of the case to the Collector.

Difference of opinion among the Members of the Tribunal.

31. If during the trial of an election petition there is a difference of opinion among the members of the Tribunal on any matter or if at the conclusion of such trial there is a difference of opinion among them on any question regarding the orders to be made under sections 25 and 26 the opinion of the majority shall prevail, and the orders of the Tribunal shall be expressed in terms of the views of the majority.

Orders of the Tribunal to be final and conclusive.

32. Every order of the Tribunal made under this Act shall be final and conclusive and shall not be called in question in any Court or Tribunal.

Orders to take effect only on publication.

33. An order of the Tribunal under section 25 and 26 shall not take effect until it is published in the official Gazette.

Term of Office.

34. (1) Except as is otherwise provided in this Act, members shall hold office for a term of three years:

Provided that the Government may, by notification in the official Gazette, for sufficient cause which shall be stated therein, direct that the term of office of the members of any Board as a whole be extended by such period or periods, not exceeding one year, as may be specified in the notification.

(2) (a) The term of office of such members shall be deemed to commence on the date of the first meeting called by the Collector under section 36.

(b) The term of office of the outgoing members shall be deemed to extend to and expire with the day before the date of such meeting.

Procedure when no member is elected.

35. (1) If at a general election or a bye-election to a Board held under section 11 no member is elected, a fresh election shall be held, as soon as may be, on such date as the Government may fix in this behalf.

(2) If at such fresh election no member is elected, the Government shall appoint a person or persons to fill the vacancy or vacancies. The person or persons so appointed shall be deemed to be elected members for the purpose of this Act.

(3) The term of office of a member elected or appointed under this section shall expire at the time at which it would have expired if he had been elected at the general election or bye-election, as the case may be.

Election of President and Vice-President.

36. (1) The first meeting of the Board shall be called by the Collector within thirty days from the date of publication of the names of members in the official Gazette under section 19 to elect a President and a Vice-President from amongst the members. The Collector shall preside over such meeting but shall not be entitled to vote.

(2) If at an election held under sub-section (1), no President or Vice-President is elected, a fresh election shall be held within thirty days from the date of the first election.

Vacancy in the office of the President or Vice-President.

37. (1) The President or the Vice-President shall be deemed to have vacated his office—

(a) on the expiry of his term of office as member of the Board or on his otherwise ceasing to be a member;

(b) on his election as Mayor or Deputy Mayor of a Municipal Corporation, constituted under the Hyderabad Municipal Corporations Act, 1950 or President or Vice-President of a Municipality, constituted under the Hyderabad Municipal and Town Committee's Act, 1951 or Chairman or Vice-Chairman of a Mines Board of Health;

(c) on his removal from office as such President or Vice-President by the Government for not commanding the confidence of the Board, to be evidenced by a resolution of the Board moved in accordance with the procedure prescribed.

(2) An outgoing President or Vice-President shall, if otherwise qualified, be eligible for re-election.

Resignation of President or Vice-President or Member.

38. The President, Vice-President or any member may resign his office as such President, Vice-President or member by giving notice in writing to the Board:

Provided that no resignation tendered by the President, Vice-President or member shall take effect until it has been accepted by the Board.

Removal of members for misconduct, etc.

39. (1) The Government may, if it thinks fit on a resolution passed by the Board, remove any member elected or appointed under this Act, after giving him an opportunity of being heard and after full satisfaction that such member has been guilty of misconduct in the discharge of his duties or is guilty of any disgraceful conduct or has become incapable of performing his duties as a member:

Provided that two-third of the whole number of members vote in favour of such resolution.

(2) Any removal of member under sub-section (1) shall disqualify the person so removed for re-election to the vacancy caused for the period during which he would have continued as a member.

Filling up of casual vacancies.

40. (1) Any vacancy in the office of the President or the Vice-President due to death, resignation or removal or becoming incapable of acting as such or otherwise ceasing to be a President or Vice-President previous to the expiry of his term of office, shall be filled by the Board by election of a person thereto, who shall hold office so long only as the President or the Vice-President in whose place he is elected, would have held it if the vacancy had not occurred.

(2) Any vacancy in the office of a member due to any of the causes mentioned in sub-section (1) shall be reported by the Executive Officer to the Collector. Such vacancy shal be filled by election of a person thereto, who shall hold office so long only as the member in whose place he is elected would have held it if the vacancy had not occurred.

CHAPTER III.

Subordinate Agencies, Committees and Office-Bearers.

Board to appoint Committees.

41. (1) Every Board shall appoint the following Committees:—

(1) Standing Committee;
(ii) Public Health Committee;
(iii) Works and Communications Committee;
(iv) Education and Rural Development Committee;

(2) The President shall be a member and the Chairman of the Standing Committee and the Works and Communications Committee and the Vice-President shall be a member and the Chairman of the Public Health Committee and the Education and Rural Development Committee. The other members of each Committee shall be elected on the basis of proportional representation by means of the single transferable vote. In the absence of the Chairman, the Committee may appoint any other member to officiate as Chairman.

(3) The total number of members of each Committee shall be not more than seven and not less than four.

Functions of Committees.

42. (1) The Standing Committee shall frame the budget, scrutinise proposals for increase of revenue, examine receipts and expenditure statement, consider all new proposals affecting finance, genrally supervise the revenue and expenditure of the Board and enunciate policies to be adopted by the Board before they are submitted to the Board and shall also exercise such other powers as may be delegated to it by the Board.

(2) The Public Health Committee shall perform such duties and exercise such powers of the Board as may be delegated to it by the Board in regard to matters of public health and sanitation and shall give effect to the provisions of this Act and the rules framed thereunder and may delegate any of its duties and powers to any mmber or officer of the Board. Such member or officer shall conform to any instructions that may, from time to time, be given by the Board. The committee may at any time withdraw any of the duties or powers so delegated.

(3) The Works and Communications Committee shall lay out proposals of works to be undertaken by the Board and perform such other functions as may be delegated to it by the Board.

(4) The Education and Rural Development Committee shall lay out proposals on matters relating to construction of Primary School buildings and other equipment and rural development and perform such other functions as may be delegated to it by the Board.

Sub-committees.

43. (1) The Board may from time to time, appoint out of its own body such Sub-Committees consisting of such number of members as it may deem necessary and may refer to such Sub-Committees for enquiry and report

or for opinion such other matters relating to the purposes of this Act as it shall think proper and direct that the report of any such Sub-Committees shall be submitted to the Board.

(2) A Sub-Committee may, from time to time, by a resolution supported by not less than one half of its members co-opt for the transaction of any particular business, as members, any persons who are not members of the Sub-Committee.

(3) Co-opted members shall not have the right to vote and shall be liable to be removed by thee Sub-Committees by a resolution supported by not less than one half of its members.

Joint Committees.

44. (1) A Board may, with the sanction of the Government, from time to time, concur with any other Board or with any Muncipality, Local Authority or Cantonment or with more than one such Board, Municipality, Cantonment or local authority—

(a) in appointing out of their respective bodies a Joint Committee for any purpose in which they are jointly interested and in appointing a Chairman of such Committee;

(b) in delegating to any such Committee power to frame terms binding on each such body as to the construction and future maintenance of any joint work and any power which might be exercised by either or any of such bodies; and

(c) in framing rules for regulating the proceedings of any such Committee and the conduct of correspondence relating to the purposes for which it was appointed:

Provided that the rules framed under this clause shall not be enforced unless they have been confirmed by the Government.

(2) A Board may, from time to time, subject to the sanction of Government, enter into an agreement with any other Board, Municipality, Cantonment, local authority or any other Committee, for the levy of any tax or taxes jointly instead of separately and the apportionment of the proceeds of such taxes.

(3) If any difference of opinion arises between the local bodies in respect of any matter arising out of such action, the decision thereupon of the Government or of such officer as may be appointed by Government in this behalf, shall be final:

Provided that where one of the local bodies is a cantonment authority, the decision of the Government or of the officer, shall be subject to the concurrence of the Central Government.

Functions and emergency powers of President.

45. (1) The President shall—

(a) preside at the meetings of the Board;

(b) watch over the financial and executive administration of the Board and submit to the Board all questions connected therewith which shall appear to him to require its orders;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Board in matters of executive administration and in matters concerning the accounts and records of the Board;

(d) furnish to the Collector or to such officer as the Government may, from time to time, nominate in this behalf, a copy of every resolution passed at every meeting of the Board and any extract from the minutes of the proceedings of the Board or other document or thing which the Collector or the other officer duly authorised by the Government may, from time to time, call for; and

(e) discharge such other functions and exercise such other powers as may be imposed or conferred upon him by this Act or any other law or by any rules or bye-laws made under this Act or any other law.

(2) The President may, in cases of emergency direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Board, and the immediate execution, stoppage or doing of which, is, in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such as be paid from the district Fund:

Provided that

(a) he shall not act under this section in contravention of any order of the Board prohibiting the execution of any particular work or of any particualr act, and

(b) he shall report forthwith the action taken under this section and the reasons therefor to the Board at its next meeting.

Functions of the Vice-President.

46. The Vice-President shall—

(a) in the absence of the President preside at the meetings of the Board;

(b) exercise such of the powers and perform such of the duties of the President as the President, from time to time, may delegate to him; and

(c) pending the election of a President, or during the absence of the President on leave, exercise the powers and perform the duties of the President.

Consequence of absence of President or Vice-President without leave.

47. (1) Every President or Vice-President, who for a period exceeding three months absents himself from the district for which the Board is established, in such manner as to be unable to perform his duties as such President or Vice-President, shall cease to be the President or Vice-president as the case may be, unless leave so to absent himself has been granted in the case of the President by the Board or in the case of a Vice-President by the President.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months. Whenever leave is granted to a President or Vice-President thereunder, the Board shall elect one of its members to exercise all the powers and perform all the duties of a Vice-President who is exercising the powers and performing the duties of the President or who is absent on leave during the period for which such leave is granted.

Executive powers vested in the Executive Officer of the Board.

48. (1) Every Board shall have an Executive Officer appointed by Government.

(2) The resolutions of a Board shall be carried into effect by the Executive Officer in whom shall vest the executive powers of the Board.

(3) Except as otherwise provided in this Act, the Executive Officer shall have the power to—

(i) convene meetings of the Board and maintain the minutes of the proceedings thereof;

(ii) receive, recover and credit to the District Fund any sum due or tendered to the Board;

(iii) grant, refuse, suspend or withdraw all licences except licences for markets;

(iv) appoint, grant leave of absence to, suspend, punish or dismiss servants of the Board whose monthly salary does not exceed Rs. 30;

(v) present bills for taxes or other dues;

(vi) cause notices of demand to be served;

(vii) prefer complaints in prosecution by the Board and initiate or conduct proceedings, civil or criminal or otherwise, on behalf of the Board;

(viii) participate in the meetings of the Board but not to vote or move any motion;

(ix) exercise supervision and control over the acts of all the officers and servants of the Board in matters of executive administration and in matters relating to accounts and records of the Board;

(x) exercise any other power delegated to him by the Board.

CHAPTER IV.

Conduct of Business.

Meetings of Board.

49. (1) A Board shall meet not less than once in every two months at such time and place as the President may determine.

(2) The President shall fix the dates for the meetings hereinbefore specified and may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the whole number of members and for a date within twenty-one days from the date of receipt of such request, call a special meeting.

Notice of meetings.

50. Fifteen clear days' notice of an ordinary meeting and eight clear days' notice of a special meeting syecifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the members and posted at the Board's Office. Such notice shall include in the case of a special meeting any motion or proposition mentioned in any written request made for such meeting.

Quorum.

51. If less than one-third of the whole number of members is present at a meeting, the presiding authority shall adjourn the meeting to such time on the following day or some other future day as he may fix. A notice of the meeting so fixed shall be posted in the Board's Office. The business which could not be considered at the meeting so postponed for want of a quorum shall be brought before and disposed of at the meeting so fixed or at any subsequent adjourned meeting irrespective of whether there be a quorum or not.

Meetings open to public.

52. Every meeting shall be open to the public unless the presiding authority deems any enquiry or deliberation before the Board to be such that it should be held in camera. The Presiding authority may at any time cause any person to be removed who interrupts the proceedings.

53. All questions shall be decided by a majority of votes of the members present and voting, the presiding authority having a casting vote in all cases of equality of votes. Decisions how arrived at.

54. (1) Except with the permission of the presiding authority which permission shall not be given in the case of a motion or proposition to modify or cancel a resolution within three months after the passing thereof, no business shall be transacted and no proposition shall be discussed at any ordinay meeting unless it has been entered in the notice convening such meeting or in the case of a special meeting, in the written request for such meeting. The order in which any business or proposition shall be brought forward at such meeting shall be determined by the presiding authority, who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition shall put the proposal to the meeting and be guided by the majority of votes given for or against the proposal. Bar of transaction of business.

(2) Any meeting may be postponed from time to time with the consent of a majority of the members present but no fresh business shall be taken up for consideration at the next ensuing meeting until the business left undisposed of at the last meeting has been disposed of.

55. No resolution of the Board shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by more than one-half of the whole number of members and passed at such meeting the notice of which has been given fulfilling the requirements of section 50 and setting forth fully the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution. Bar of modifying or cancelling the resolution.

56. (1) Every motion or any amendment thereof shall be received in writing and then duly moved. Every motion shall be seconded and until seconded, no debate thereon shall take place nor shall it be put to vote. No amendment which merely negatives the original motion shall be allowed. Motions and amendments.

(2) Any motion or amendment may be withdrawn by its proposer with the consent of the Board.

(3) An amendment to an amendment may be moved at any stage of the debate.

(4) On the conclusion of the debate, in the event of there being several amendments to an amendment the presiding authority shall put the last amendment to vote first and after it is negativated, the next preceding amendment shall be put to vote and so on until all the amendments are disposed of. The original motion or the amended motion as the case may be, shall then be put to vote.

(5) When any motion or amendment involves many points, the presiding authority may divide it and put each point to vote separately.

(6) When a motion or amendment has been put to vote and declared by the presiding authority as carried no further proposals for amending the motion or amendment shall be entertained.

Conduct of ordinary meetings.

57. At ordinary meetings business shall be conducted in the following order :—

(a) The minutes of the previous ordinary meeting and of any special meeting held since shall be read and if approved by the majority of the members shall be confirmed;

(b) business postponed at the previous meeting shall be considered;

(c) subjects noted on the agenda shall be considered in such order as the presiding authority may determine.

Moving of Resolution.

58. A member may propose any resolution connected with or incidental to the subjects included in the list of business, or with the consent of the majority of the members present a resolution on any matter not so included.

Preservation of order.

59. (1) The presiding authority of the meeting shall preserve order. All points of orders shall be decided by him with or without discussion, as he may deem fit, and his decision shall be final.

(2) The presiding authority may direct any member whose conduct is in his opinion, disorderly, to withdraw immediately from the meeting of the Board and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting:

Provided that the presidnig authority may withdraw such order on receiving any apology from the member or without such apology.

(3) The presiding authority may, in the case of grave disorder arising in any meeting, suspend the meeting for a period not exceeding three days.

(4) If any person, who has been ordered to withdraw, unlawfully remains in the meeting, the presiding authority may take such steps, as he may deem fit, to cause him to be removed.

(5) Any question of procedure not herein provided for, shall be decided by a majority of the members present and voting.

Members when to abstain from voting or taking part in decision.

60. (1) No member of a Board or a Committee or Sub-Committee thereof or a Joint Committee shall vote on or take part in the decision of any question coming up for consideration at a meeting of the Board or Committee, if the question is one in which, apart from its general application to the public, he has by himself or his partner any direct or indirect pecuniary interest.

(2) The presiding authority may, on his own motion or on the motion of any member present, prohibit member from voting or taking part in a discussion on any matter in which he believes such member to have such interest, or require such member to absent himself during the discussion.

(3) Such member may challenge the decision of the presiding authority who shall thereupon put the question to the meeting. The decision of the meeting shall be final.

Minutes.

61. Minutes of every meeting of the Board, Committee, or Sub-Committee shall be recorded in a minute book specifying the names of the persons present at the meeting. The Board shall confirm the minutes at the next ensuing meeting. The minute book shall during office hours be open to inspection by any member or any inhabitant of the district.

Circulation of proposals when meeting cannot be convened.

62. (1) If in an emergency, the President finds it difficult to convene a meeting, he may circulate a written proposition of his own or of any other member for the observations and the votes of the members of the Board.

(2) The dceision of any proposition so circulated shall be in accordance with the majority of votes of the members who thus vote upon it.

(3) Every decision arrived at by the Board under this section shall be recorded in the minute book and the minutes confirmed at the next meeting of the Board.

Rights of individual members.

63. (1) Any member may call the attention of the President to any neglect in the execution of the work of the Board, to any waste of property of the Board or to the wants of any locality within the district and suggest any improvements which may appear desirable.

(2) Every member shall have the right to interpellate the President on matters connected with the administration of the Board subject to such rules as may be prescribed.

Certain Government Officers to attend meeting of the Board.

64. If it shall appear to the Board that the presence of the Executive Engineer, the Inspector of Schools, the Civil Surgeon, the Agricultural Officer, the Veterinary Officer, the Social Service Officer, the Forest Officer, the Assistant Registrar of Co-operative Societies, or any officer charged with any of the duties of these officers in the District, is desirable at any meeting of the Board or of any Committee or Sub-Committe thereof, the Board may by letter addressed to such officer not less than 15 days previous to the intended meeting require his presence thereat. The said officer shall, unless his superior officer has any objection thereto or is prevented by sickness or other reasonable cause, attend such meeting, but shall not be entitled to vote thereat.

Vacancy or irregularities not to invalidate the proceedings.

65. (1) No act of a Board or of any person acting as President, Vice-President, Chairman or member thereof shall be deemed to be invalid by reason only of some defect in the appointment of such Board or election or appointment of such President, Vice-President, Chairman or member, or on the ground that they or any of them were disqualified for such office or that notice of a meeting of the Board was not duly given or for any other informality.

(2) Anything done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a Board, Committee or Sub-Committee.

CHAPTER V.

Property, Contracts and Liabilities.

Property vested in the Board.

66. (1) The Government may, from time to time, direct that any road, bridge, channel, building or other property, movable or immovable, which is vested in the Government and which is situated within a district, shall, with the consent of the Board of such district, and subject to such exemptions and conditions as the Govern-

ment, may make and impose, be placed under the control and administration of the Board for the purposes of this Act, and thereupon such road, bridge, channel, building or other property shall be under the control and administration of the Board, subject to all the exceptions and conditions so made and imposed and to all charges and liabilities affecting the same.

(2) The Government may, from time to time, by notification in the Official Gazette, resume any property placed under the control of the Board under sub-section (1), on such terms as the Government may determine with the consent of the Board.

Acquisition of land for Board.

67. When any land is required whether within or without the area subject to the jurisdiction of a Board, for the purposes of this Act, the Government may on the request of the Board proceed to acquire it under the provisions of the Hyderabad Land Acquisition Act, 1309 F., and on payment by the Board of the compensation awarded under that Act, and of any other charges incurred by the Government in connection with the acquisition, the land shall vest in the Board. Such acquisition shall be deemed to be acquisition for a public purpose within the meaning of the said Act.

Management of public institutions.

68. (1)The management, control and administration of every public institution maintained out of the District Fund shall vest in the Board.

(2) When any public institution has been placed under the direction, management and control of the Board, all property, endowments and funds belonging thereto shall be held by the Board in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed:

Provided that the extent of the independent authority of the Board in respect of any such institution may be prescribed.

Transfer of Board's property to the Government.

69. The Board may, with the sanction of Government, transfer to the Government any property vested in the Board under sections 66, 67 or 68 but not so as to effect any trust or public right subject to which the property is held.

Other transfers of Board's property.

70. Subject to such exceptions as the Government may by general or special order direct, no Board shall transfer any immovable property except in pursuance of a reso-

lution passed at a meeting by majority of not less than two-thirds of the whole number of its members and in accordance with rules made under this Act, and no Board shall transfer any property which has been vested in it by the Government except with the sanction of the Government:

Provided that nothing in this section shall apply to leases of immovable property for a term not exceeding three years.

Auctions.

71. The Board shall have the power to hold auctions and to enter into contracts pertaining to such auctions:

Provided that when the period of such contract exceeds one year but does not exceed three years, the sanction of the Secretary, Local Government Department and when it exceeds three years, the sanction of the Govrnment shall be obtained.

Saving of the Local Authorities Loans A'in, 1352 F.

72. Nothing contained in this Act shall affect the Local Authorities Loans A'in, 1352 F.

Mode of making contracts.

73. (1) The President may, on behalf of the Board enter into any contract or agreement, the amount or value of which shall not exceed one thousand rupees, in such manner and form as according to the law for the time being force, would bind him if such contract or agreement were on his behalf.

(2) Every other contract or agreement where the amount or the value of the contract or agreement exceeds rupees one thousand, shall be in writing and be signed with the previous approval of the Board by the President and two other members on behalf of the Board and sealed with the common seal of the Board.

(3) No contract or agreement not executed as provided in this section, shall be binding on a Board.

Improper interest in contracts.

74. (1) No member, officer or servant appointed or employed under this Act shall in any way be interested directly or indirectly in any contract made with a Board.

(2) If any such officer or servant is so interested or under colour of this office or employment accepts any fee or reward whatsoever other than his proper salary and allowances, the Board or, in the case of officers whose appointment is subject to the approval of the Government or of any Government officer, the Government may de-

clare that he shall be incapable of holding or continuing in any office or employment under this Act.

(3) Nothing in this section shall bar a criminal prosecution under section 75.

Explanation:—A person shall not by reason only of being a shareholder in, or a member of, any incorporated or registered company, be deemed to be interested in any contract entered into between the company and the Board, but he shall not take part in any proceedings of the Board relating to any such contract.

Penalty for improper interest in contracts.

75. If any member, officer or servant of a Board is directly or indirectly interestd in any contract made with such Board, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.

Bar of suit in respect of act done in good faith.

76. No suit shall be maintainable against any Board or any member, officer or servant thereof or any person acting under the direction of any such Board, member, officer or servant in respect of anything lawfully and in good faith and with due care and attention done under this Act or any rule, or bye-law made thereunder.

Bar of suit in absence of notice.

77. No suit shall be instituted against any Board or any member, officer or servant thereof or any person acting under the direction of any such Board, member, officer or servant for anything done or purporting to be done under this Act, until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims. Such notice shall be in the case of a Board delivered or left at its office in the case of any such member, officer, servant or person as is aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

Liability for loss, waste or misappropriation of money or property.

78. (1) If any member, officer or servant of a Board makes or directs to be made any payment or application of money or other property belonging to or under the control of such Board to any purpose not authorised by or under this Act, or assents to, or concurs with or participates in any affirmative vote or proceeding relating thereto, he shall be individually liable to such Board for the loss or damage caused thereby, unless he proves that he acted in good faith and with due care and attention.

(2) Every member or officer or servant of a Board shall be liable to such Board for the loss of any money or the loss of or damage to other property belonging to it or under its control if such loss or damage is a direct consequence of his negligence or misconduct.

(3) Notwithstanding anything contained in section 77, a suit under this section may be instituted by the Government or the Board with the previous sanction of Government.

Power of Board to compromise suits.

79. Subject to rules made under this Act, a Board may compromise any suit instituted by or against it, or any claim or demand arising out of any contract entered into by it in accordance with this Act for such sum of money or other compensation as shall be deemed sufficient.

CHAPTER VI.

Duties and Powers of Boards.

Duties of Boards.

80. (1) Subject to such rules as the Government may, from time to time, prescribe, it shall be the duty of a Board, in addition to other duties imposed upon it by this Act or by any other law or order having the force of law for the time being in force and in so far as the funds at its disposal may admit, to undertake and make reasonable provision for the following matters within the limits of the area subject to its authority and not legally included in the authority of the Government or any other local authority, namely:—

(a) the construction, repair and maintenance of public roads and other means of communication which are not under the control of any other local body or of the Government;

(b) the planting and preservation of trees by the side or in the vicinity of roads and on other public grounds in its control;

(c) the establishment, management and maintenance of markets other than markets regulated by the Hyderabad Agricultural Markets Act, 1339 Fasli, travellers' bungalows, musafirkhanas, chauris, rest-houses and other public institutions, and the construction and repair of all buildings connected with such institutions;

(d) the construction and repair of public tanks, wells and water works for the supply of water from them and from other sources and the construction and maintenance of works for the preservation from pollu-

tion of water used for drinking, cooking and other domestic purposes;

(e) the construction, management and maintenance of cattle pounds;

(f) the management of such public ferries as may be entrusted to its charge;

(g) the improvement of villages inculding the acquisition of land for the extension of village sites;

(h) the promotion of vaccination;

(i) other measures necessary for the public health and sanitation including the control of sanitation during an Urs, Jatra or other fair, festival or public assemblage and such measures as may be required to prevent the outbreak, spread or recurrence of infectious disease;

(j) the construction and maintenance of primary school buildings for boys and girls and the provision of school equipment and playgrounds;

(k) the maintenance of any building or other property vested in the Board; and

(l) the printing and publishing of such annual or periodic reports on the whole or any branch of its administration as the Government may by general or special order, require the Board to submit.

(2) No suit for damages or for specific performance shall be maintainable against any Board or any officer or member thereof, on the ground that any of the duties specified in sub-section (1) have not been performed.

Discretionary powers of a Board.

81. Subject to such rules as the Government may from time to time prescribe, it shall be within the discretion of a Board, in addition to the duties imposed upon it under the provisions of this Act or any other law for the time being in force, to undertake and make provision for the following matters within the limits of its jurisdiction, namely:—

(a) the encouragement and development of Co-operative Societies;

(b) the improvement of cattle and other livestock;

(c) the promotion of agriculture local arts, industries, commerce and other measures tending to the economic welfare of villagers;

(d) the provision of public parks and recreation grounds;

(e) the construction of libraries and reading rooms and the furthering of educational objects other than the construction and maintenance of primary school buildings;

(f) the destruction or the detention and preservation of ownerless dogs;

(g) the holding and management of fairs and cattle, poultry, agricultural and industrial shows and exhibitions;

(h) the reclaiming of unhealthy localities, the laying out of new village-sites, the building of model villages, and the grant of loans to private persons or associations for the above purpose;

(i) the organisation and maintenance of relief works in times of famine or scarcity;

(j) the construction, repair, maintenance and management of medical and veterinary dispensaries;

(k) the establishment and maintenance of maternity services and child welfare centres;

(l) the purchase of medicines;

(m) the provision of houses for any class of servants employed by the Board;

(n) the eradication of Bengal Hyacinth and other noxious plants and prevention of water-logging in ayacuts;

(o) the afforestation, in co-operation with or on the advice of the Forest Department of any waste or other lands, to prevent erosion, to increase the local supply of fuel or to provide green manure;

(p) the construction, repair, maintenance and management of minor tanks for the purpose of irrigation in co-operation with or on the advice of the public works Department; and

(q) any other matter not hereinbefore specifically named which is likely to promote the health, comfort or convenience of the public.

CHAPTER VII.

Sanitary and Other Powers.

Powers to enter and inspect, buildings, etc.

82. The president, the Executive Officer or any person authorised by the Board in this behalf may at any time between sunrise and sunset, on giving notice in the manner hereinafter provided, enter into and inspect all

buildings and lands, and by written notice direct that all or any part thereof, shall be cleansed, cleared or otherwise put in a proper state for sanitary reasons.

Insanitary buildings.

83. Whoever, being the owner or occupier of any building or land whether tenantable or otherwise allows the same to be, in an insanitary or unwholesome state or, in the opinion of the Board, a nuisance to persons residing in the neighbourhood, or overgrown with prickly pear or rank and noisome vegetation, and who, when required by a notice, in writing, from any person authorised by the Board in this behalf, to cleanse, remove or otherwise put the same in a proper state, does not comply with the said requisition within a reasonable time from the receipt thereof, shall, on conviction before a Magistrate, be liable to a fine not exceeding twenty rupees, and if the offence be a continuing one, to a further fine not exceeding five rupees for every day during which the said offence is continued after conviction.

Powers with regard to sources of water.

84. The President, the Executive Officer or any person authorised by the Board in this behalf, may, at any time, by written notice, require that the owner of, or any person who has control over, any well, stream, channel, tank or other sources of water-supply whether it is private or not shall—

(a) if the water is used for drinking—

(i) keep and maintain any such source of water supply, other than a stream, in good repair, or

(ii) within a reasonable time to be specified in the notice, cleanse any such source of water-supply from silt, refuse and decaying vegetation, or

(iii) in such manner as the Board directs, protect any such source of water supply from pollution by surface drainage, or

(iv) desist from using and from permitting others to use for drinking purposes any such source of water-supply which not being a stream in its natural flow, is in the opinion of the Board unfit for drinking, or

(v) if notwithstanding any such notice under subclause (iv) such use continues and cannot in the opinion of the Board be otherwise prevented, close, either temporarily or permanently, or fill up or enclose or fence in such manner as the Board considers sufficient to prevent such use of such source of water-supply, or

(vi) drain off or otherwise remove from any such source of water supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Board considers is injurious to health or offensive to the neighbourhood;

(b) within twenty-four hours of such notice, repair, protect or enclose in such manner as the Board may direct or approve any such source of water supply whether used for drinking purposes or not, other than a stream in its natural flow, if for want of sufficient repair, protection or enclosure such source of water-supply is in the opinion of the Board dangerous to the health or safety of the public or of any person having occasion to use, pass by or approach the same.

Remedy on non-compliance with directions issued.

85. If the owner or the person having control as aforesaid fails or neglects to comply with any such requisition within the time required by or under the provisions of section 84, the Board may, and, if in the opinion of the President immediate action is necessary to protect the health or safety of any person, shall, at once proceed to execute the work required by such notice, and all the expenses incurred thereon shall be paid by the owner of, or person having control over, such water supply and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X:

Provided that in the case of any well or private stream or any private channel, tank or other source of water supply, the water of which is used by the public or by any section of the public as of right, the expenses incurred by such owner or person having control may, if the Board so directs, be paid from the District Fund at the disposal of such Board.

Power to set apart public springs, etc. for certain purposes and to prohibit use of water from certain sources.

86. (1) The Board may, by public notice which shall be put up at the spring, tank, well or other place concerned as required by section 185, set apart any public spring, tank, well or other place or any public water source or any part thereof for drinking purposes or for bathing or for washing clothes or animals or for any other purposes calculated to promote the health, cleanliness, comfort or convenience of the inhabitants; and may also set apart with the consent of the owner, any private spring, tank, well or other place for any of the aforesaid purposes.

(2) The Board may, during epidemics, on receipt of a certificate from any Medical Officer of the Board or of the Government stating that such action is desirable, summarily by notice prohibit the use of water from any

source to which the public have access. Such notice shall be served by putting up a copy thereof near the source of water supply and by beat of drum in the locality stating the number of days for which such prohibition shall last. The Board may extend or modify the notice from time to time.

Penalty for using places set apart for other purposes.

87. Whoever—

(a) bathes in or defiles the water in any place set apart for drinking purposes by the Board or in the case of private property by the owner thereof, or

(b) deposits any offensive or deleterious matter in the dry bed of any place set apart as aforesaid, for drinking purposes, or

(c) washes clothes in any place set apart as aforesaid for drinking purposes or for bathing, or

(d) washes any animal or any cooking utensils or wool, skins or other foul or offensive substance or deposits any offensive or deleterious matter in any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes, or

(e) allows the water from a sink, sewer, drain engine or boiler or any other offensive matter belonging to him or flowing from any building or land belonging to or occupied by him, to pass into any place set apart as aforesaid for drinking purposes or for bathing or for washing clothes,

shall on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, and if the offence be a continuing one, to a further fine not exceeding ten rupees for every day during which the said offence is continued after conviction.

Abatement of nuisance from foul water.

88. When any pool, ditch, tank, pond, well, hole or any waste or stagnant water or any channel or receptacle of foul water or other offensive or injurious matter, whether the same be within any private enclosure or otherwise, shall appear to the Board to be likely to prove injurious to the health of the inhabitants or offensive to the neighbourhood, the Board may by written notice require the owner of the same to cleanse, fill up, drain off or remove the same, or to take such measures as shall in its opinion, be necessary to abate or remove the nuisance.

Closing of places for the disposal of the dead.

89. (1) If the Board is of opinion that any place within its jurisdiction which is used for the disposal of the dead is in such a state as to be, or to be likely to be injurious to health, it may submit its opinion with the reasons therefor, to the Government. The Government may, thereupon, after such further enquiry as may be necessary, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification with a translation thereof in the local language of the district shall be posted at the office of the Board and in one or more conspicuous spots on or near the place to which it relates and notice thereof shall also be given in the locality by beat of drum.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for the closure thereof, or buries any corpse in any unoccupied Government land not set aside for the burial of the dead under the provisions of any law for the time being in force or by established usage shall, on conviction before a Magistrate, be liable to a fine not exceeding one hundred rupees.

Registration of burial and cremation grounds.

90. (1) Every owner or person having the control of any place used at the date of the coming into operation of this Act as a place for burying, cremating or otherwise disposing of the dead shall, if such place be not already registered apply to the Board to have such place registered.

(2) If it appears to such Board that there is no owner or person having the control of such place, the Board shall assume such control and register such place or may close it.

Licensing of places for the disposal of the dead.

91. (1) No new place for the disposal of the dead whether private or public, shall be opened, formed, constructed or used unless license has been obtained from the Board.

(2) Application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such other particulars as the Board may require.

(3) The Board may after such enquiry as it may deem fit grant or refuse a licence.

(4) The Government may cancel, modify or revise the order passed by a Board under sub-section (3).

Provision of burial and cremation grounds and crematoria.

92. The Board may, and if no sufficient provision exists, shall provide at the cost of the District Fund, places to be used as burial or cremation grounds or crematoria and may if it deeems necessary charge fees for the use thereof.

President, etc. to have power of entry for inspection into buildings, etc., where infectious disease exists

93. (1) The President, the Executive Officer or any person authorised by the Board in this behalf, may, at any time, after reasonable notice enter into any building or premises for the purposes of inspecting such building or premises if he has reasons to believe that any dangerous infectious disease exists therein.

(2) No such inspection shall be made except between sunrise and sunset.

(3) If the Board is of opinion that the cleansing or disinfecting of a building or premises or of a part thereof, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any dangerous infectious disease it may by notice, require the owner or occupier to cleanse or disinfect the same within a time to be specified in such notice:

Provided that if the Board considers that immediate action is necessary or that the owner or occupier is by reason of poverty or otherwise unable effectually to comply with its requisition, the Board may itself cause such building or premises or articles to be cleansed or disinfected and for this purpose may cause such articles to be removed from such building or premises and the expenses incurred under this sub-section shall be recoverable from the said owner or occupier unless he was, by reason of poverty, unable effectualy to comply with its requisition.

Board to notify places for washing and disinfecting articles exposed to infection.

94. (1) The Board shall, from time to time notify places at which clothes, bedding or any other articles which have been exposed to infection from any dangerous infectious disease may be washed or disinfected.

Infected articles may be destroyed.

(2) The Board may direct the destruction of clothes, bedding or other articles likely to retain such infection and shall on application give compensation for the articles destroyed.

Penalty.

(3) Whoever washes such clothing or bedding or other articles at any place other than those set apart for such purposes under sub-section (1) shall, on convic-

tion before a Magistrate, be liable to a fine not exceeding fifty rupees.

Information regarding infectious disease.

95. (1) Every medical practioner who, in the course of his practice, becomes cognizant of the existence of any infectious disease in any dwelling other than a public hospital, and every manager of any factory or public building, every keeper of a serai, dharmashala, hotel or lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, an infectious disease, shall, if the case has not already been reported, give information thereof, with the least practicable delay, to the President, the Executive Officer, the Health Officer, the Assistant Health Officer, the Tahsildar, the Police Patel of the village or the Officer-in-charge of the nearest Police Station House.

(2) A breach of sub-section (1) shall be punishable with fine which may extend to fifty rupees.

Explanation.—In this section 'Medical Practioner' includes a Hakim or Vaidya.

Obstructions and encroachments upon public road, land or building.

96. (1) Whoever on any part of a public road, land or building, after it has vested in, or has become the property of a Board, shall build, or set up, any wall or fence, rail, post, stall, verandah, platform, plinth, step or any projecting structure or thing, or other encroachment or obstruction, or shall deposit, or cause to be placed or deposited, any box, bale, package or merchandise or any other thing on any part of any such road, land or building, or in, or over, or upon, any open drain, gutter, sewer or aqueduct in such road, land or building, shall be punished with fine which may extend to twenty-five rupees.

(2) The Board shall have power to remove any such obstruction or encroachment, and the expense of such removal shall be paid by the person who has caused the said obstruction or encroachment, and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X:

Provided that, before proceeding to remove any such obstruction or encroachment, the Board shall by written notice call upon the person who has caused such obstruction or encroachment to remove it within a reasonable time to be specified in the notice, or to show cause why the same should not be removed.

(3) Nothing contained in this section shall prevent a Board from allowing any temporary occupation of or erections on any public road, which vests in it or is its property, on occasions of festivals and ceremonies, or for the piling of fuel on any part of such road for not more than fifteen days and in such maner as not to inconvenience the public or any individual.

Prohibition of hotels, restaurants, tea-shops, etc., and offensive or dangerous trade without licence.

97. (1) Subject to such provisions as may be prescribed, no place within the jurisdiction of a Board shall be used as a hotel, restaurant, tea-shop or for any similar purpose or for the manufacture of tiles, bricks or lime or for the purpose of any other trade or business which the Government may, by notification, declare to be offensive or dangerous, except under a licence from the Board and subject to such conditions as may be imposed in the licence and to such fees, if any, as may be prescribed.

(2 When a licensee fails to comply with any of the conditions imposed in the licence, the Board may suspend or cancel his licence.

Power to regulate slaughter of animals for sale.

98. The Board may fix places or premises—

(a) for keeping animal or animals of any specified description which are to be sold for purposes of slaughter;

(b) for the slaughter of such animals; and

(c) for the sale of the flesh of such animals; and may grant and withdraw licences for the use of such places or premises.

Power to take measures against cattle disease.

99. If the Board is of opinion that in any place within its jurisdiction any infectious disease amongst horses, cattle, sheep or goats has broken out or that the introduction of any such disease appears to be likely, it shall be lawful for the Board to take all such measures as it may deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the out-break or introduction thereof.

Prevention of rabies and disposal of mad and stray dogs.

100. (1) The Board may—

(a) authorise any person—

(i) to destroy or cause to be destroyed or to confine or cause to be confined, for such period as the Board may direct, any dog or other animal suffering from rabies or bitten by any dog or other animal suffering or supected as aforesaid;

(ii) to confine or cause to be confined any dog found wandering about streets or public places without collars or other marks, distinguishing them as private property, and to charge a fee for such detention and to destroy or otherwise to dispose of any such dog if it is not claimed within one week and the fee paid;

(b) appoint from time to time, by public notice a certain period within which any dogs without collars or other marks distinguishing them as private property found straying on the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed and cause them to be destroyed accordingly.

(2) No damage shall be payable in respect of any dog destroyed or otherwise disposed of under this section.

Dangerous quarrying, blasting, felling trees or cutting timber or building.

101. Whoever quarries, blasts, fells trees, cuts timber or carries on building operations in such a manner as to cause or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Permission necesary for erecting buildings and for construction, establishment or intallation of factory, workshop or workplace.

102. (1) (a) Subject to such provisions as may be prescribed no person shall erect or re-erect any building without the written permission of the Board.

(b) Such permission may not be refused except for the reason of the site being unsuitable on sanitary or village planning grounds.

(c) such permission shall be presumed to have been granted if its refusal is not communicated within two months of the receipt of the application for permission.

(2) (a) Subject to the provisions of the Factories Act, 1 948 (LXIII of 1948), every person intending—

(i) to construct or establish, extend or shift within the limits of the jurisdcition of a Board, any factory, workshop or work place in which it is proposed to employ water, steam, electricity or other mechanical power, or

(ii) to instal in any premises any machinery or manufacturing plant driven by any power as aforesaid shall, before beginning such construction, establishment, extension, shifting or installation, make an application in writing to the Board for permission to undertake the intended work.

(b) The application shall be accompanied by—

(i) a plan of the factory, workshop, work-place or premises prepared in such manner as may be presribed;

(ii) such particulars as to the power, machinery, plant or premises as the Board may require by rules made in this behalf.

(c) The Board shall, as soon as may be after the receipt of the application—

(i) grant the permission applied for, either absolutely or subject to such condition as it thinks fit to impose, or

(ii) refuse permission, if it is of opinion that such establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

(3) Whenever any building is erected, or re-erected without any such permission or in any manner contrary to the provisions prescribed under sub-section (1) or to any conditions imposed by the Board in this behalf or any factory, workshop or workplace is constructed, established or installed without any such permission or in any manner contrary to the provisions prescribed under sub-section (2) or to any conditions imposed by the Board in this behalf, the Board may—

(a) direct that the building, construction, establishment or installation be stopped, or

(b) by written notice require such building, construction, establishment or installation to be altered demolished or removed, as may be necessary.

(4) No claim shall lie for compensation on account of any order under this section.

Regional and Town Planing.

Regional and Town Planning and local lay-outs.

103. The Government may notify any area in the jurisdiction of a Board as an area in which no building is to be erected or re-erected except in accordance with a regional or Village Plan or a local lay-out sanctioned by Government in the manner prescribed.

Notification of sanction of plan or lay-out.

104. (1) As soon as any regional or village plan or local lay-out is sanctioned by the Government under rules made under clause (xv) of sub-section (2) of section 200, the said sanction shall be published by a notification in the Official Gazette and such notification shall state

at what place and time the plan or lay-out will be open to inspection by the public.

(2) A notification published under sub-section (1) shall be conclusive evidence that the plan or lay-out has been duly made and sanctioned. The plan or lay-out shall be effective from date of publication of such notification and the execution of the plan or lay-out shall be begun as soon as possible thereafter:

Provided that the Government may direct the execution of the plan or lay-out or any part thereof to be deferred until such time as it may fix.

Variation or revocation of plan or lay-out.

105. A regional plan or village plan or local lay-out sanctioned under the rules made under clause (xv) of sub-section (2) of section 200, may at any time be varied or revoked by a subsequent plan or lay-out prepared and sanctioned in the same manner as the original plan or lay-out.

Limitation of compensation payable to persons affected by variation or revocation of the plan or lay-out.

106. If at any time after the date on which a regional or town plan or local lay-out has come into force, such a plan or lay-out is varied or revoked, any person who has incurred expenditure for the purpose of complying with such plan or lay-out shall be entitled to receive compensation from the Board executing the plan or lay-out in so far as by reason of the variation or revocation of such plan or lay-out such expenditure has ceased to be in any way beneficial to him.

Obligation of owners to comply with plan or lay-out after sanction.

107. From the date of the notification under section 104, sanctioning a regional or village plan or a local lay-out, all owners of lands and buildings in the area affected by the plan or lay-out who propose to erect or re-erect or in any way alter or add to buildings, shall conform in every particular with the requirements of such plan or lay-out; and no building shall be erected or re-erected in any area in which building is expressly forbidded in the plan or lay-out, or which is reserved in the plan or lay-out for any purpose incompatible with building.

Penalty for breach of the provisions of any regional or town plan or lay-out.

108. (1) After a notification has been issued under section 104, sanctioning a regional or village plan or a local lay-out, the authority responsible for the execution of such plan or lay-out shall, if he has reason to believe that any person commits or knowingly permits a breach of any provisions of such plan or lay-out or neglects or fails to comply with any such provision, cause to be served on such person a notice calling on him to discontinue

the breach or cause it to be discontinued or comply with such provision.

(2) If after the expiry of one month from the date of the service of the notice on such person under sub-section (1), the breach, neglect or failure cotinues, such person shall, on conviction, be punishable—

(i) with fine, which may extend to fifty rupees, and

(ii) if the breach, neglect or failure continues after such conviction, with further fine which may extend to five rupees for every day during which the breach, neglect or failure continues after such conviction.

Powers of entry, etc.

109. For the purpose of the making or execution of any regional or village plan or local lay-out, the Board or any person authorised by the Board in this behalf shall, subject to the provisions of this Act after giving twenty-four hours' notice to the occupier, or if there be no occupier, to the owner of any property, be entitled to survey and set up marks on any property and to do all acts necessary for such purposes.

Application of the Hyderabad Land Acquisition Act, 1309 F. to immovable property required for plan or lay-out.

110. Immovable property required for the purposes of a regional or village plan or local lay-out, shall be deemed to be land needed for a public purpose within the meaning of the Hyderabad Land Acquisition Act, 1309 Fasli.

Mosquito Control.

Declaration of an area for mosquito control.

111. On the recommendation of the Health Officer, a Board may declare a local area for mosquito control.

Prohibition of mosquito breeding in collection of water.

112. If a declaration under section 111 has been made, no person shall, after such declaration—

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or likely to breed, or

(b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed, unless such collection has been so treated as effectively to prevent such breeding.

Explanation I.—Troughs used for cattle and in frequent use, shall not, until the contrary is proved, be

deemed to be collections of water in which mosquitoes breed or are likely to breed.

Explanation II.—The natural presence of mosquito larvae in any standnig or flowing water shall be evidence that mosquitoes are breeding in such water.

Treatment of mosquito breeding places.

113. (1) The Board may, by notice in writing, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, to take such measures with respect to the same, or to treat the same by such physical, chemical or diological method, as the Board, on recommendation of the Health Officer, may consider suitable in the circumstances.

(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract, express or implied, to the contrary, be entitled to recover from the owner the recoverable expenses incurrd by him in taking the measures or adopting the method of treatment specified in the notice and may deduct the amount of such expenses from the rent which is then or which may thereafter be due from him to the owner.

Health Officer's powers in case of default.

114. If the person on whom a notice is served under section 113 fails or refuses to take the measures or adopt the method of treatment specified in such notice within the time specified therein, the Board may itself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as an amount claimed on account of any tax recoverable under Chapter X.

Protection of anti-mosquito works.

115. Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or the Board, or the owner or occupier at the instance of the Government or the Board, has constructed any works in such land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, deterioration of such works or which impairs or is likely to impair, their efficiency.

Prohibition of interference with such such works.

116. (1) No person shall, without the consent of the Board, interfere with, injure, destroy or render useless, any work executed or any material or thing placed in, under, or upon any land or building, by or under the

orders of the Board with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Board may re-execute the work or replace the materials or things, as the case may be, and the cost of doing so shall be recovered from such person in the same manner as an amount claimed on account of any tax recoverable under Chapter X.

Power of Health staff to enter and inspect premises.

117. For the purposes of enforcing the provisions contained in sections 111 to 116 (both inclusive), the Executive Officer, the Health Officer or any other officer of the Board not below the rank of Health Inspector may at all reasonable times after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building and the occupier or the owner, as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection and supply all such information as may be required of him for the purpose aforesaid.

Penalty for breach of section 113.

118. Whoever, having been served with a notice under section 113 requiring him to take action thereunder against the breeding of mosquitoes, fails to comply with such notice shall be punished with fine which may extend to fifty rupees and if the breach is a continuing one, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

Penalty for breach of section 115.

119. Whoever being the owner or occupier of any land or building, uses, or fails to prevent the use of such land or building in contravention of section 115 shall be punished with fine which may extend to one hundred rupees.

Penalty for breach of section 116.

120. Whoever in contravention of the provisions of section 116 interferes with, injures, destroys or renders useless anything done by or under the orders of the Board to prevent the breeding of mosquitoes, shall be punished with fine which may extend to two hundred rupees.

MARKETS.

Public Markets.

Public markets.

121. Subject to the provisions of this Act and the rules made under clause (xvi) of sub-section (2) of section 200, a Board may establish, control and regulate public markets.

Closing of public markets.

122. A Board may by public notice close at any time any public market or part thereof.

Private Markets.

Licensing of private markets.

123. (1) No private person shall establish or maintain a private market except under a licence granted by the Board.

(2) The Board may grant, a licence subject to such conditions as regards sanitation, drainage, water-supply, width of paths and ways, weights and measures to be used and rents to be charged in such markets as may be prescribed under clause (xvii) of sub-section (2) of section 200.

(3) While granting such licence, the Board may charge a fee not exceeding such amount as may be prescribed.

Term of such licences.

124. A licence under section 123, shall, unless it otherwise directs, remain in force for the financial year during which it has been granted but may at any time be suspended or cancelled for breach of any of its conditions.

Procedure when Board delays grant of licence.

125. If the Board fails to grant a licence under section 123 for a period exceeding three months from the date of the receipt of an application for such licence, the applicant may apply to the Government who shall in the first instance, direct the Board to decide the application within one month from the date of such direction. If the Board does not decide the application within that period, the Government may reject the application or grant a licence or direct the Board to grant a licence.

Penalties.

126. Any person—

(a) establishing or maintaining a private market for which a licence has not been granted under section 123,

(b) opening or keeping open a private market for which the licence has been suspended or cancelled under section 124,

shall be punishable with fine which may extend to one hundred rupees and if the breach is a continuing one, with further fine which may extend to ten rupees, for every day after the first during which the breach is proved to have been persisted in.

CHAPTER VIII.

Revenue and Expenditure.

Constitution of District Fund.

127. There shall be formed for each district, a District Fund and there shall be placed to the credit thereof—

(a) the accumulated balances of the District Fund of the district at the commencement of this Act;

(b) the proceeds of cesses, taxes, tolls and fees, authorised to be levied under this Act;

(c) all rents and profits accruing from the properties bought, constructed or maintained by the Board or from properties otherwise vested in the Board;

(d) all penalties paid to or levied by or on behalf of the Board and all fines imposed by a Magistrate under this Act or the rules and by-laws framed thereunder;

(e) the sale proceeds of all property vested in the Board that may be sold under its orders;

(f) the proceeds of all public ferries established under the Hyderabad Ferries Act, 1314 Fasli, within the jurisdiction of the Board, and all penalties and fines realised under that Act in respect of such ferries;

(g) all grants and assignments of revenue and contributions made by the Government, local authorities and private individuals;

(h) all sums received on account of fines and unclaimed sale-proceeds under the provisions of the Hyderabad Cattle Trespass Act, 1337 Fasli;

(i) unclaimed deposits and other forfeitures; and

(j) all other sums received by or on behalf of the Board under this Act or any other law for the time being in force.

Custody and investment of the District Fund.

128. (1) The District Fund shall be vested in the Board and shall be kept in such Government Treasury or Bank, to which the Government treasury business has been made over, as the Government may direct.

(2) A Board may from time to time, with the previous sanction of Government, invest any portion of its fund in securities of the Government of Hyderabad or in such other securities, including fixed deposits in banks as the Government may approve in this behalf, and may vary

such investment for others of the like nature; and the income resulting from the securities and proceeds of the sale of the securities shall be credited to the District Fund.

Application of Fund.

129. (1) The Board shall set apart and apply annually out of the District Fund—

firstly, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;

secondly, such sum as may be required to meet the charges of its own establishment under sections 164 and 165 and contribution towards Local Government Service Fund constituted under sub-section (3) of section 166;

thirdly, the expenses incurred in auditing the accounts of the Board;

fourthly, the cost of the construction and maintenance of buildings for the offices of the Board; and

fifthly, a sum equal to one-third of the net receipts from the local cess imposed under section 135 in each Panchayat Village for payment to the Panchayat of such village.

(2) Subject to the charges specified in sub-section (1) and to such rules as may be prescribed, the District Fund shall be applicable to the following purposes, namely:—

(a) the payment of the charges and expenses incidental to the matters specified in sections 80 and 81 and to all other purposes for which, by or under this Act or any other law for the time being in force, powers are confered or duties imposed upon the Board, including grant of loans for promoting such purposes;

(b) grants of loans to employees;

(c) the payment of monthly allowance to the President;

(d) the payments to members of the Board of daily allowances for attending meetings of the Board and of any Committees thereof and of expenses incurred in travelling for the purposes of the business of the Board and any Committee thereof at such rates as may be prescribed:

Provided that no such payment shall be made from the District Fund to a salaried servant of the Government;

(e) grants and loans to Municipal and Town Committees, Market Committees constituted under the Hyderabad Agricultural Markets Act, 1339 F., Panchayats, public libraries and other charitable and public institutions established in the district for purposes of public benefit;

(f) grants or loans for the acquisition, lay out and construction of any public market or of any market constituted under the Hyderabad Agricultural Markets Act, 1339 Fasli, within the area subject to the control of the Board;

(g) contributions to any work or institution from which the area under the jurisdiction of the Board benefits, although such work or institution is undertaken or maintained outside the jurisdiction of the Board;

(h) contributions towards any public fund raised for the relief of human or animal suffering within or without the area under the authority of the Board;

(i) any public reception, ceremony or entertainment:

Provided that no expenditure shall be incurred under this head save in pursuance of a resolution passed at a meeting and supported by more than one-half of the whole number of members of the Board.

(j) compensation to any person sustaining any damage by reason of the exercise of any power vested in the Board, its members, officers or servants, under this Act;

(k) with the previous sanction of the Government, any other purposes whereon the expenditure of the District Fund is in the public interest.

Standing Committee and Budget Estimates.

130. (1) Every year the Board shall, on or before the prescribed date, hold a meeting at which the Standing Committee shall submit budget estimates of the income and expenditure of the Board for the coming year, including proposals for spending the portion of the accumulated balances previously sanctioned by the Government under sub-section (2) of section 132.

(2) The Board shall consider the estimates and may approve of them with or without modification:

Provided that no estimates shall be approved unless they provide for the Board having at its credit at the end of the year a balance of five per cent. of the aggregate income for that year.

(3) The Board shall forward its estimates as finally approved by it to the Government through the Collector for approval.

(4) The Government before approving the estimates may make such changes therein as it considers necessary in order that the estimates may comply with the requirements of this Act or the rules thereunder or any other law for the time being in force.

(5) If the Government considers other changes desirable, whether by way of omitting, increasing or reducing any provision or of inserting a provision for income or expenditure not appearing in the estimates as submitted by the Board, it shall be bound before effecting such changes to refer the estimates back to the Board for its opinion and shall give due consideration to any opinion, received from the Board within one month from the despatch of the reference to the Board.

(6) On receipt of the Board's opinion, or on the expiry of one month as aforesaid without any reply from the Board, the Government may modify the estimates by adopting in whole or in part the changes suggested by it to the Board and approve the estimates thus changed.

Exempting Boards from obtaining Government approval for estimates.

131. Notwithstanding anything contained in section 130 Government may by notification in the Official Gazzette declare that the budget estimates of a Board shall not be subject to approval of Government.

Expenditure from the balance of previous years.

132. (1) No portion of the accumulated balance may be spent by the Board without the previous sanction of the Government:

Provided that nothing in this section shall be deemed to prevent the Board during the first quarter of the year or till the budget is sanctioned, whichever is earlier, from paying from its balances in the local treasury the cost of the sanctioned establishment and other unavoidable expenditure.

(2) At least one month before the date prescribed under sub-sectionn (1) of section 130 for the meeting, the Government shall inform the Committee what total expenditure it sanctions for the coming year from the accumulated balances.

(3) Proposals for spending the sum thus sanctioned shall be incorporated in the budget estimates for the coming year in accordance with sub-section (1) of section 130.

(4) Notwithstanding anything contained in sub-section (1), in exceptional cases of real necessity the Board may request the Government for sanction of further expenditure therefrom.

133. (1) The Board shall keep such accounts and submit such statements to the Government as may be prescribed. Accounts.

(2) Accounts of the receipts and expenditure of every Board shall be maintained up to the last day of every financial year in such form as may be prescribed. These annual accounts and all accounts kept under sub-section (1) shall be examined and audited, as soon as may be, after the end of each financial year by such persons as the Government may appoint in this behalf.

(3) An abstract of every annual account of a Board, showing the income of the District Fund under each head of receipts, the charges for establishment, the works undertaken, the sum expended on each work, the balance if any, of the fund remaining unspent; and such other information as may be required by the rules, shall be prepared by the Board in such form or forms as may be prescribed and forwarded to the Government not later than the 15th day of the first month of the next financial year and published annually in such manner if any, as may be prescribed.

134. The Board shall keep at its office a copy of every estimate approved and of accounts maintained under this Chapter and any person who is enrolled in the list of voters for the time being in force as a voter of any constituency of the Board, may during office hours inspect any such estimates or accounts subject to such conditions as may be prescribed. Inspection of accounts by the public.

CHAPTER IX.

Taxation.

135. (1) Notwithstanding anything contained in sub-section (2) of section (1) the Government shall, subject to the provisions of sub-section (2), levy a local cess of two annas on every rupee of land revenue payable to Government: Local Cess.

Provided that in Ijara villages, local cess shall be levied on the Qaul amount during the period of the Ijara and on the annual land revenue demand after the expiry of that period:

Provided further that on any Inam land the local cess shall be levied on the full land revenue assessment of such land.

(2) Local Cess shall not be leviable on the following items of revenue:—

(a) fees for grazing;

(b) sale proceeds of usufruct of trees;

(c) penalties, fines or any charge imposed under the Land Revenue Act of 1317 Fasli as penalty or interest in case of default:

Provided that in case of fines and penal assessment imposed for unauthorised cultivation, local cess shall be levied on the simple assessment.

Collection and credit of local cess.

136. (1) Subject to the provisions of sub-section (2), the local cess leviable under section 135 on lands shall be paid by the Government to the Board administering the area in which the lands are situated, after deduction of such proportion for the remuneration of patels and patwaries as the Government may prescribe.

(2) The local cess leviable under section 135 on lands which are included within the boundaries of any areas notified as a Municipal Corporation under section 3 of the Hyderabad Municipal Corporations Act, 1950, or as a City Municipality or a Town Municipality under section 4 of the Hyderabad Municipal and Town Committees Act, 1951, or as a mining settlement shall be paid by the Government to the Municipal Corporation or Municipal or Town Committee or a Mines Board of Health concerned after deducting the remuneration mentioned in sub-section (1).

(3) Any dispute in respect of any matter pertaining to this section between a Board and any other local Body, shall be decided by the Government.

Suspension and remission of local cess.

137. When for any reason the land revenue or any portion thereof is remitted or suspended, the local cess shall ordinarily be remitted or suspended in the same proportion, but the Government may on the application of the Board or other local Authority to which the cess is payable, direct that the remission or suspension order shall not apply to the local cess.

Special tax on property.

138. With the previous sanction of the Government and subject to such rules as may be prescribed in this

behalf, a Board may impose a special tax on houses, buildings or lands within the whole or a part of the area subject to the jurisdiction of the Board for providing amenities to the inhabitants of such area:

Provided that such tax shall not be imposed in respect of any land on which local cess is being collected.

Other taxes.

139. (1) Subject to the provisions of this Chapter, and with the previous sanction of the Government, a Board may impose in the whole or in any part of the area under its jurisdiction any of the following other taxes for the purposes of this Act, namely :—

(a) subject to the provisions of article 276 of the Constitution of India, a tax on persons exercising any profession, trade, calling or employment, within the limits of the area subject to the jurisdiction of the Board;

(b) market tolls on vehicles and laden animals bringing goods for sale into a public market;

(c) market fees for the right to exhibit goods for sale in a public market;

(d) fees for the registration of animals sold in a public market:

Provided that the tolls and fees mentioned in clauses (b), (c) and (d) shall not be levied by a Board unless the Government has by notification in the official Gazette invested the Board with exclusive rights of collection of the said tolls and fees in respect of a public market situated within its jurisdiction;

(e) a general water tax, when public water taps or stand posts have been fixed for the use of the public;

(f) a tax on public entertainments and amusements;

(g) a tax on—

(i) persons travelling by railway or motor transport service to or from a place within the jurisdiction of the Board to which pilgrims resort, or

(ii) pilgrims visiting a shrine, Urs or Jatra within the limits of the Board's jurisdiction;

Provided that:

(i) such pilgrim tax shall be leviable at a flat rate on every person over 12 years of age; and

(ii) unless otherwise directed by Government, no portion of the proceeds of such tax shall be expended for purposes, other than making arrangements for the health and comfort of the pilgrims resorting to or the improvement or development of such local area;

Explanation: For the purpose of sub-clause (i) of clause (g) the points on the banks of the Godavary from which pilgrims cross to Bhadrachallam for the annual jatra shall be deemed to be places to which pilgrims resort;

(h) a tax on vehicles when such vehicles are kept within the limits of the Board;

(i) a toll, at the toll bars established by the Board on any bridges or road-way constructed from out of the District Fund, on

(i) every vehicle;

(ii) every animal used for driving, draught or burden, passing on such bridge or road:

Provided that the toll shall not be leviable on any such vehicle or animal more than once on any one date.

(2) the tolls and fees leviable under clauses (b) and (c) of sub-section (1) may also be leviable at fairs.

Procedure in imposing taxes.

140. (1) No tax shall be imposed under section 138 or 139 unless the Board shall, at a special meeting convened for that purpose, have passed a resolution proposing the imposition of such tax:

Provided that in the case of the special tax leviable under section 138 and of the pilgrim tax leviable under clause (g) of sub-section (1) of section 139, no such resolution shall be valid unless passed by a majority of two-third of the whole number of members of the Board.

(2) When such a resolution has been passed, the Board shall publish in the manner prescribed, a notice defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant of the district objecting to the proposed tax may, within sixty days from the publication of the notice, submit his objection in writing to the Board.

(4) The Board shall take the proposals and all objections received thereto into consideration at a special meeting and may modify the proposals so as not to affect their substance, and may then forward them to the Government along with the objections received its decisions

thereon and its reasons therefor. If the Board decides to modify the proposals so as to affect their substance, it shall publish them again in the manner prescribed in sub-section (2).

(5) The Government on receiving such proposals may sanction or refuse to sanction them or sanction them subject to such modifications as it may deem fit, or return them to the Board for further consideration.

(6) No modification affecting the substance shall be made under sub-section (5) unless and until the modification has been accepted by the Board at a special meeting.

(7) If any proposals for taxation have been sanctioned under sub-section (5), the Government may, by notification, direct the imposition of the tax as sanctioned from such date as may be specified in such notification and thereupon the tax shall come into effect as from the date so specified.

(8) A notification of the imposition of a tax under this section shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act.

Procedure for abolishing or varying taxes.

141. (1) A Board may, at a special meeting, pass a resolution to propose the abolition of any tax already imposed under section 138 or section 139 or a variation in the amount or rate thereof.

(2) Any such proposal shall be dealt with according to the procedure laid down in section 140 for the imposition of new tax, and the notification, of the abolition or variation of a tax under this section shall be conclusive proof that such abolition or variation has been made in accordance with the provisions of this Act.

(3) Notwihtstanding anything contained in section 140 or in this section, the Government shall have the power to reject a proposal for the abolition of a tax or a reduction in the amount or rate thereof or to vary the amount of such reduction or to impose a reduction in lieu of abolition, by referring the proposal back to the Board for further consideration or without such reference.

Procedure for suspension of or exemption from taxes.

142. A Board, with the previous sanction of the Government and by a resolution passed at a special meeting by a two-third majority of the whole number of members, may suspend the operation of any tax imposed under section 138 or 139 within any part of the area sub-

ject to its authority for any specified period or exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Powers to charge fees for licences and for use of certain lands and buildings.

143. (1) If any licence is granted by a Board under this Act, the Board or some person generally or specially authorised by the Board in this behalf may collect a fee for such licence.

(2) The Board or a person generally or specially authorised by it in this behalf, may collect such fee as may be fixed by bye-laws under this Act for the use of any building or land belonging to, or under the control of the Board.

Assesment of Taxes

Power to call for information.

144. A Board or any officer authorised by it in this behalf may, by notice, call upon any inhabitant of the area subject to its authority to furnish within a reasonable time such information as may be necessary in order to ascertain—

(a) whether such inhabitant is liable to pay any tax imposed under this Act, and

(b) the amount at which he should be assessed.

Assessment not invalid for defect of form.

145. No assessment and no charge or demand of any cess, tax, toll or fee made under the authority of this Act, shall be invalid by reason only of any clerical error or other defect of form; and when any property is described for the purpose of assessing any such cess, tax, toll or fee, it shall suffice to describe it in such manner that it shall be generally known, and it shall not be necessary to name the owner or occupier.

Bar of other proceedings.

146. No objection shall be taken to any valuation, assessment or levy, nor shall the liability of any person to be assessed or taxed, be called into question in any other manner or by any other authority than is provided in this Act.

CHAPTER X

Collection of Taxes

Presentation of bill for amount of tax.

147. (1) When any amount which,

(a) by or under any provision of this Act, is declared to be recoverable in the manner provided by this Chapter, or

(b) not being payable on demand on account of a toll, is claimable as an amount or instalment on account of any tax which is imposed in the district shall have become due,

the Board shall with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum claimed as due.

Contents of bill.

(2) Every such bill shall specify—

(a) the period for which, and

(b) the property, occupation or thing in respect of which, the sum is claimed, and shall also give notice of

(i) the liability incurred in default of payment, and

(ii) the time within which an appeal may be preferred, as provided in section 156 against such claim.

If bill not paid within thirty days notice of demand to issue.

(3) If the sum for which any bill has been presented as aforesaid is not paid into the office of the Board, or to a person authorised by the Board in that behalf to receive such payments, within thirty days from the presentation thereof, the Board may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of Schedule A, or to the like effect.

In what cases warrant may issue.

148. If the person liable for the payment of the said sum does not, within thirty days from the service of such notice of demand, either—

(a) pay the sum demanded in the notice, or

(b) show cause to the satisfaction of the Board or of such officer as the Board may appoint in this behalf, why he should not pay the same, or

(c) prefer an appeal in accordance with the provisions of section 156 against the demand, such sum with all costs of the recovery may be levied under a warrant caused to be issued by the Board in the form of Schedule B or to the like effect by distress and sale of the movable property of the defaulter.

Warrant by whom to be signed.

149. Every Warrant issued under section 148 shall be signed by the President of the Board causing the same to be issued, or by an officer authorised by the Board for this purpose or with the sanction of the Government by a Government officer.

To whom warrant should be addresseed.

150. When the property is in the district, the warrant shall be addressed to an officer of the Board or with the sanction of the Government to a Government officer.

When the property is in another district, the warrant shall be addressed to the President of the Board in such other district: Provided that such President may endorse such warrant to a subordinate officer or with the sanction of the Government to a Government officer. When the property is in the city of Hyderabad, the warrant shall be addressed to the Court of Small Causes, Hyderabad: provided that the said Court may endorse such warrant to a subordinate officer.

Power of entry under special order.

151. Any officer to whom a warrant is addressed by endorsement or otherwise may, if th ewarrant contains a special order authorising him in this behalf, but not otherwise, break open at any time between sunrise and sunset any outer or inner door or window of a building in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property which is liable to seizure under the warrant and if after notifying, his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance provided that such officer shall not enter or break open the door of any apartment appropriated for women until he has given reasonable notice of his intention and has given such women an opportunity to remove themselves.

Warrant how to be executed.

152. Such officer may distrain, wherever it may be found, any movable property of the person named in the warrant as a defaulter subject to the following conditions, exceptions and exemptions, namely—

(a) the following property shall not be distrained:—

(i) the necessary wearing apparel, cooking vessels, bedding of the defaulter, his wife and children, and such personal ornaments as in accordance with religious usage cannot be parted with by any woman.

(ii) the tools of artisans, and

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain, and such cattle as may be necessary to enable him to earn his livelihood.

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recovearble under the warrant, and if any articles have been distrained which, in the opinion of a person authorised by or under section 149 to sign a warrant should not have been so distrained they shall forthwith be returned; and

(c) the officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of Schedule C, that the said property will be sold as shall be specified in such notice:

Provided that if after the property is distrained and before it has been sold, the sum due by the defaulter together with all costs incidental to the notice, warrant and distress of the property is paid, the officer shall remove the distress.

Sale of goods distrained.

153. (1) When the property seized is subject to speedy and natural decay, or when the expense of keeping it in custody together with the amount to be levied is likely to exceed its value the President or officer by whom the warrant was signed shall at once give notice to the person in whose possession the property was when seized to the effect that it will be sold at once, and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

Application of proceeds of sale.

(2) If not sold at once under sub-section (1), the property seized or a sufficient portion thereof may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs, incidental to the notice, warrant, and distress and detention of the property is paid, be, on the expiry of the time specified in the notice served by the officer executing the warrant, sold by public auction under the orders of the Board and the proceeds, or such part thereof as shall be requisite, shall be applied in discharge or the sum due and of all such incidental costs as aforesaid.

Surplus, if any, how dealt with.

(3) The surplus, if any, shall be forthwith credited to the District Fund, notice of such credit being given at the same time to the person from whose possession the property was taken. But if the same be claimed by written application to the Board within one year from the date of the notice, a refund thereof shall be made to such

person. Any sum not claimed within one year from the date of such notice shall be the property of the Board.

Distraint and sale outside the district.

154. When the warrant is addressed outside the district, the authority issuing the warrant may by endorsement direct the President to whom or the Court to which the warrant is addressed to sell the property distrained, and in such case it shall be lawful for such President or Court to sell the property and do all things incidental to the sale, and the foregoing provisions shall be modified accordingly. Such President or Court shall, after deducting all costs of recovery incurred, remit the amount recovered under the warrant to the authority by whom it was issued.

Fees and costs chargeable.

155. Fees for—

(a) every notice issued under sub-section (3) of section 147,

(b) every distress made under section 152, and

(c) the costs of maintaining any live-stock seized under the said section, shall be chargeable at the rates respectively prescribed in the rules made in this behalf and shall be included in the costs of recovery to be levied under section 148.

Appeal to Munsiff Magistrate.

156. (1) An appeal against any notice of demand issued under sub-section (3) of section 147 may be made to the Munsiff-Magistrate within whose jurisdiction the property, occupation or thing in respect of which the sum claimed falls. But no such appeal shall be heard and determined unless—

(a) the appeal is brought within 30 days next after service of the notice of demand complained of,

(b) an application in writing, stating the grounds on which the claim of the Board is disputed has been made to the Board within thirty days next after the presentation of a bill under sub-section (1) of section 147, and

(c) the amount claimed from the appellant has been deposited by him in the office of the Board.

(2) No second appeal shall lie from the decision of the Munsiff-Magistrate but his decision shall be subject to revision by the High Court.

Liability of lands, buildings, etc, for tax.

157. All sums due on account of any tax imposed on lands or buildings or on both shall, subject to prior payment of land revenue, if any, due thereupon, be a first charge upon the building or land in respect of which such tax is leviable, and upon the movable property if any, found within or upon such building or land, and belonging to the person liable for such tax:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Power to seize animals, goods or vehicles on non-payment of toll.

158. (1) In the case of the non-payment on demand of any toll leviable by a Board the person appointed to collect such toll may seize any vehicle or animal on which the toll is chargeable or any part of its burden which is of sufficient value to satisfy the demand, and may detain the same. He shall thereupon give the person in possession of the property seized a list of the property together with a written notice in the form of Schedule C that the said property will be sold as shall be specified in such notice.

Power to sell property seized at once.

(2) When any article seized is subject to speedy and natural decay, or when the expense of keeping it together with the amount of the toll chargeable is likely to exceed its value, the person seizing such article may inform the person in whose possession it was that it will be sold at once, and shall sell it or cause to be sold accordingly unless the amount of toll demanded be forthwith paid.

Release of property on payment.

(3) If at any time before the sale is completed, the person whose property has been so seized tenders the amount of all expenses incurred, and of toll payable, the property seized shall forthwith be released.

Sale.

(4) If no such tender is made, the property may be sold, and the proceeds of such sale shall be applied in payment of such toll and of the expenses incidental to the seizure, detention and sale.

Surplus how dealt with.

(5) The surplus, if any, of the sale proceeds shall be credited to the District Fund and may, on application made to the Board in writing within three years next after the sale, be paid to the person in whose possession the property was when seized, and, if no such application is made, shall be the property of the Board.

Farming of tolls.

159. (1) The Board may lease the levy of any toll that may be imposed under this Act by public auction or private contract:

Provided that the lessee shall give security for the due fulfilment of the conditions of the lease.

Persons employed by the lessee of toll to have power of seizure.

(2) When any toll has been leased under this section, any person employed by the lessee to collect such toll shall, subject to the conditions of the lease, have the powers referred to in sub-section (1) and (2) of section 158:

Provided that no article seized may be sold except under the orders of the Board.

(3) Any sum due from a lessee to a Board in respect of any toll leased under this section may be recovered as an arrear of land revenue.

Receipts to be given for all payments.

160. For all sums paid on account of any tax under this Act, a receipt stating the amount and the tax on account of which it has been paid shall be tendered by the person receiving the same.

Recovery of arrears of taxes and other dues.

161. Notwithstanding any other mode of recovery provided by this Act, any arrear of any tax or any other money due to the Board under this Act, any amount due to the Board under a contract, agreement, lease, auction, security or indemnity bond or otherwise and fine imposed under this Act or the rules or bye-laws made thereunder together with any sum on account of process fees which may be fixed by rules made under this Act and with interest at a rate not exceeding six and a quarter per centum per annum, shall also be recoverable on the application of the Board as if it were arrears of land-revenue:

Provided that no interest shall be so recovered in any case in which the competent Revenue Officer, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

Limitation for recovery proceedings.

162. No distraint shall be made for the recovery of any sums due to a Board under sections 138 and 139 of this Act after the expiry of six years from the date on which such sums became due. The Board may within three years after the expiry of the said period of six years institute a suit for the recovery of such sums.

163. No refund of any tax shall be claimed by any person otherwise than in accordance with the provisions of this Act or the rules made thereunder. Refunds.

CHAPTER XI.

Officers and Servants of Boards.

164. Unless otherwise provided in this Act or prescribed thereunder, the provisions of the Hyderabad Civil Service Regulations for the time being in force relating to salaries, leave, pensions, travelling allowances, retirement and all conditions of service and the rules for the time being in force relating to the conduct of Government Servants and inquiries into their conduct and punishment, shall apply to the employees of the Board. Application of the Hyderabad Civil Service Regulations and certain other rules.

165. Subject to the provisions of this chapter every Board may appoint such officers and servants as it shall deem necessary and proper for the efficient execution of its duties. The Board shall from time to time prepare a schedule of the staff to be so maintained setting forth their designations, grades, salaries, fees and allowances and their respective duties and may also determine which of the staff is to be maintained permanently and which temporarily : Appointment of officers and servants.

Provided that in so setting forth and determining the grades, salaries, fees and allowances, the Board shall have regard to the arangements prevailing and the schedule or rates in vogue in the establishments of the Government :

Provided further that the Government may by rules or by an order give directions regulating the creation of posts, appointments, transfers, punishments and sanction of leave to the employees, the exercise of the powers of the Board by the President or Vice-Prsident and the classes of employees who shall have a right of appeal against any orders passed by the Board or President or any other authority and the authorities to whom such appeal shall lie.

166. (1) There shall be constituted for the purposes of this Act and of any other law for the time being in force regulating the duties and powers of Municipal Corporations, Municipailties and Mines Boards of Health, a Hyderabad Local Government Service consisting of Hyderabad Local Government Service.

such officers and servants including Executive Officers, Local Government Engineers, Water Works Engineers, Supervisors, Sanitary Inspectors and such other posts as may be deemed necessary. The powers of appointment, transfer, dismissal, taking any disciplinary action against the officers belonging to the said service and of prescribing conditions of their service shall vest exclusively in the Government.

(2) Notwithstanding the provisions of sub-section (1), a Board may, if it deems necessary, by a resolution recommend to the Government, giving a copy thereof to the Collector, for taking such disciplinary action as may be required against an officer or servant belonging to the said service in respect of any act of misconduct committed by him:

Provided that two-thirds of the whole number of members of the Board vote in favour of such a resolution.

(3) There shall be constituted a Local Government Service Fund to meet the expenditure in respect of salaries, allowances, pensions, provident fund, gratuities and other necessary expenses payable to the officers of such service under the provisions of this Act or any other law for the time being in force or rules made thereunder or under any orders of the Government.

(4) Each Board shall contribute 8% of its revenues towards the Local Government Service Fund constituted under sub-section (3):

Provided that the Government may from time to time by notification in the official Gazette revise or alter the percentage of the contribution towards the Local Government Service Fund.

Delegation of power to engage officers and servants.

167. The Board may, subject to any rule or order made by the Government delegate to its President or any other officer subordinate to it, the power of appointing any officer or servant of the Board other than the officers and servant in the Hyderabad Local Government Service.

Power of Government to prevent extravagance in establishment.

168. If in the opinion of the Government, the number of employees maintained by a Board or whom a Board proposes to maintain, or the remuneration assiged by the Board to such employees or to any other person is excessive, the said Board shall, on being required to do so by the Government, reduce their number or remuneration.

Punishment and dismissal of the employees.

169. The power of dismissing any officer or servant maintained by a Board, save those borne on the Hyderabad Local Government Service Cadre shall, subject to the provisions of this Act and the rules made thereunder, vest in the Board.

Power of Government to transfer officers and servants of Board.

170. Notwithstanding anything contained in this Chapter, the Government shall have power to transfer any officer or servant of a Board to the service of any other Board or any Municipality constituted under the Hyderabad Municipal and Town Committees Act, 1951, or to any Corporation constituted under the Hyderabad Municipal Corporations Act, 1950 or to any Mines Board of Health:

Provided that such power shall be exercised after consulting the local bodies concerned.

Residuary powers of the Board over subordinates.

171. All Committees, Sub-Committees, members, officers and servants of a Board shall in the exercise or discharge of any functions delegated to them, be under the control of the Board and the Board may, subject to any provisions of law or rules made thereunder, where by the executive functions of the Board are assigned to the President or any officer, revise any order passed by any of its committees, sub-committees, members, officers or servants.

Members, Officers, etc., to be public servants.

172. Every member of a Board and every officer and servant maintained by or employed under a Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

CHAPTER XII

Control

Power of Collector to inspect and call for documents.

173. (1) The Collector may enter and inspect, or cause to be entered and inspected by any other officer authorised by him, any immovable property of any work in progress under the control and management of any Board.

(2) He may also—

(a) call for any extract from the proceedings of the Board or any Committee appointed by such Board, and call for or inspect any book or document in the possession of or under the control of a Board or any officer of the Board or of any Committee, Sub-Committee or Joint Committee;

(b) require any Board or any officer of the Board, or a Committee, Sub-Committee or Joint Committee to furnish any return, plan, estimate, statement, account, report or any other information or statistics which he may consider necessary; and

(c) require a Board to take into its consideration—

(i) any objection which appears to him to exist to the doing of anything which is about to be done by such Board, or

(ii) any information furnished by him which appears to him to necessitate the doing of a certain thing by such Board and to make a written reply to him, within a reasonable time, stating its reasons for doing or omitting to do such thing.

Collector's power of suspending execution of orders, etc., of Board.

174. (1) If it appears to the Collector that the Executive Officer or any other Officer of a Board has made default in carrying out any resolution of the Board, the said Collector after giving such officer a reasonable opportunity of explanation, shall send a report thereon together with the explanation, if any, of such officer to the Government and at the same time forward a copy of the same to the Board.

(2) If in the opinion of the Collector, the execution of any order or resolution of a Board, or the doing of anything which is about to be done, or is being done by or on behalf of a Board, is causing or likely to cause, injury or annoyance to the public, or to lead to a breach of peace or is unlawful, he may by order in writing, under his signature, suspend the execution or prohibit the doing thereof.

(3) When a Collector makes any order under subsection (2) he shall forthwith forward to the Government a copy of the order with a statement of the reason for making it; and it shall be in the discretion of Government, after giving the Board a reasonable opportunity of explanation, either to rescind the order or to direct that it may continue in force with or without modification, permanently or for such period as the Government thinks fit.

Extraordinary powers of Government and Collector in cases of emergency.

175. (1) In cases of emergency, the Government or the Collector may direct or provide for the execution of any work or the doing of any act, which the Board or any other officer of the Board is empowered to execute or to do and the immediate execution or doing of which

is in the opinion of the Government or Collector necessary for the safety of the public, and may direct that the expenses of executing the work or doing the act with a reasonable remuneration to the person or persons appointed to execute or do it, shall be forthwith paid by the Board.

(2) If the expense and remuneration are not so paid, the Government or the Collector, as the case may be, may direct the officer-in-charge of the treasury or bank in which the District Fund is kept or the whole or a portion thereof is deposited or lent on interest, to pay the expenses and remuneration, or as much thereof as is possible, from the balance of the amount of such fund in his hand.

(3) Such officer shall, so far as the funds to the credit of the Board admit, be bound to comply with such order.

(4) In case the Collector uses the powers conferred on him under this section he shall report such case to the Government forthwith and send a copy of the report at the same time to the Board for information. The Board shall, thereupon, be entitled to address the Government on the Collector's report.

Power of Government to provide for performance of duties in default of Board.

176. (1) When Government is informed on complaint made or otherwise that a Board has made default in performing any duty imposed on it by or under this Act or by or under any enactment for the time being in force the Government if satisfied after due enquiry that the Board has been guilty of the alleged default, may fix a period for the performance of that duty :

Provided that no such period shall be fixed unless the Board has been given an opportunity to show cause why such orders shall not be made.

(2) If that duty is not performed within the period so fixed the Government may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Board.

(3) If the expense and remuneration are not so paid, the Government may make an order directing the officer-in-charge of the treasury or bank in which the District Fund is kept or the whole or portion thereof is deposited or lent on interest, to pay such expenses and re-

muneration from such moneys as may be standing to the credit of the Board in such treasury or bank or as may from time to time, be received from or on behalf of the Board by way of deposit by such treasury or bank, and such officer or bank shall be bound to obey such order. Every payment made pursuant to such order shall be a sufficient discharge to such officer or bank from all liability to the Board in respect of any sum or sums so paid out of the money so received or standing to the credit of the Board in such treasury or bank.

Dissolution and reconstitution of Board.

177. (1) If in the opinion of the Government, a Board persistently makes default in performing the duties imposed on it under this Act or any other law for the time being in force or exceeds or abuses its powers or a situation exists in which the administration of the Board cannot be carried on in accordance with the provisions of this Act or the financial stability or credit of the Board is threatened, it may, by notification published in the official Gazette, direct that the Board be dissolved and reconstituted. The notification shall specify the time within which the Board shall be reconstituted:

Provided that, for the purpose of completing the elections to a Board which has been dissolved, the Government may from time to time, extend the time fixed under this sub-section for its reconstitution.

(2) Before publishing a notification under sub-section (1), the Government shall communicate to the Board concerned the grounds on which they propose to do so, fix a reasonable period for the Board to show cause against the proposal and consider the explanations and objections, if any, of such Board.

(3) Upon publication of such notification, all members of the Board including its President and Vice-President shall forthwith be deemed to have vacated their offices as such and fresh election shall be held in accordance with the provisions of this Act.

(4) The terms of office of the elected members of the reconstituted Board or the members elected in their place at casual vacancies shall expire on such date as the Government may fix.

(5) During any interval between the dissolution and the reconstitution of a Board under sub-section (1), all or any of the powers of the Board and of its President may be exercised and discharged, as far as may be and

to such extent as the Government may determine, by such person or persons as the Government may appoint in that behalf; and any such person, who is not a Collector or Deputy Collector may, if the Government so direct, receive payment for his service.

(6) When a Board is dissolved, the Government until the date of reconstitution thereof and the reconstituted Board thereafter, shall be entitled to all the assets and be subject to all the liablities of the Board as on the date of dissolution and on the date of the reconstitution respectively.

Power of Government to enforce order passed by Government or other authorities.

178. In all matters connected with this Act, or any other law for the time being in force, if a Board makes default in carrying out any order made by the Government or by any authority other than the Board in the exercise of any of the powers conferred by this Act or any rule made thereunder, or by any other law for the time being in force, the Government shall have all the powers necessary for the enforcement of such order at the cost of the Board.

Disputes between Boards and other Local Bodies.

179. (1) In the event of any dispute arising between a Board and any other Board or other local bodies on any matter in which they are jointly interested, such dispute shall be referred to Government whose decision shall be final.

(2) The Government may by an order or rules made under this Act, regulate the relations between the Board and other local bodies as aforesaid in matters in which they are jointly interested.

Appointment of technical and inspecting officers for whole of the State.

180. (1) The Government may appoint, for the purposes of this Act or of any other law for the time being in force regulating the duties and powers of other local bodies, duly qualified persons to be Divisional Engineers, Superintending Engineers, Town Planning Officers, Architects, or Inspecting or other officers for the whole or any part of the State and may sanction such establishment for the said officers as may be deemed necessary.

(3) The Officers and establishment appointed under sub-section (1) shall belong to the Local Government Service and their expenses shall be defrayed from the funds pertaining to the Local Government Service established for this purpose under section 166.

Delegation of powers by Government.

181. The Government may by notification delegate any of its powers under this Act, except the power to make rules, to any authority which it may deem fit.

Control of Revenue Officers.

182. In all matters connected with this Act or the rules made thereunder unless it is otherwise provided therein the Government shall have and exercise over the Collectors and the Deputy Collectors, and the Collectors and the Deputy Collectors shall have and exercise over the officers subordinate to them, the same authority and control as they respectively have and exercise over them in the general and revenue administration.

CHAPTER XIII

Notices, Appeals and Procedure relating to Offences

Service of notices, etc., addressed to individuals.

183. The service of every notice and bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for, in this Act, be effected by a Board or an officer or servant or other person authorised by the Board in this behalf or, on such terms as may be agreed upon, by any officer or servant of the Government in the following manner:—

(a) wherever it is practicable service shall be made by delivering or tendering the notice or bill personally to the person to whom it is addressed, unless he has an agent empowered to accept service, in which case service on such agent shall be sufficient.

(b) Where such person cannot be found and has no agent empowered to accept service on his behalf, service may be made on any adult male member of his family who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this clause.

(c) Where the serving officer delivers or tenders the notice or bill to such person personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom it is so delivered or tendered to an acknowledgement of service.

(d) Where such person or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer, after using all due and reasonable deligence, cannot find such person and there is no agent empowered to accept service on his behalf, nor any other person on whom service can be

made, the serving officer shall affix the notice or bill on the outer door or some other conspicuous part of the house in which he ordinarily resides or carries on business or personally works for gain and shall then return the original to the authority who issued the notice or bill with a report endorsed thereon or annexed thereto stating that he has so affixed the copy, the circumstances under which he did so, and the name and addres of the person (if any) by whom the house was identified and in whose presence the copy was affixed.

(e) The serving officer shall, in all cases in which service has been made under clause (c), endorse or annex, on or to the original notice or bill, a return stating the time when and the manner in which it was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender.

(f) Where the authority issuing the notice or bill is satisfied that there is reason to believe that the person to whom it is addressed is keeping out of the way for the purpose of avoiding service, or that for any other reason the notice or bill cannot be served in the ordinary way, such authority shall order it to be served by affixing a copy thereof in some conspicuous place in the office, and also upon some conspicuous part of the house (if any) in which such person is known to have last resided or carried on business or personally worked for gain, or in such other manner as he thinks fit. Service substituted by order of such authority shall be as effectual as if it had been made on such person personally. Where service is substituted by order of the authority, the authority shall fix such time for the appearance of the person as the case may require.

(g) Where the person to whom the notice or bill is addressed resides out of the district and has no agent in the district empowered to accept service, the notice or bill shall be addressed to him at the place where he is residing and sent to him by post, if there is postal communication between such place and the place from which the notice or bill is sent.

Service of notices on owners or occupiers of buildings and land.

184. When any notice under this Act is required or permitted by or under this Act to be served upon an owner or occupier of any building or land, the service thereof, in cases not otherwise specially provided for in this Act, shall be effected—

(a) by giving or tendering the notice to the owner or occupier, or, if there be more owners or occupiers than one, to any one of them;

(b) If no such owner or occupier be found then by giving or tendering the notice to some adult male member of the family of any such owner or occupier as aforesaid;

(c) If none of the means aforesaid be available then by causing the notice to be fixed on some conspicuous part of the building or land for which the same relates.

Publication of public and general notices.

185. Every notice which this Act requires or empowers a Board to give or to serve, either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if it has been published by proclamation made by beat of drum in the locality and a copy thereof has been posted to a notice-board at the office of the Board or in such other public buildings or places as the Board may decide, or has been published in any newspaper having a circulation in the area under the jurisdiction of the Board.

Defective form of notice; fixation of reasonable time and consequence of non-compliance.

186. (1) No notice or bill shall be invalid merely on account of any defect in the form.

(2) When any notice requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(3) In the event of non-compliance with the terms of the notice the Board may take such action or such steps as may be necessary for the doing of the act thereby required to be done, and all the expenses thereby incurred by the Board shall be paid by the person or jersons upon whom a notice was served, and shall be recoverable in the manner provided in section 188.

Punishment for disobedience to orders and notices not punishable under any other section.

187. Whoever disobeys or fails to comply with any lawful direction given by any written notice issued by or on behalf of a Board under any power conferred by this Act, or fails to comply with the conditions subject to which any permission was given to him by the Board shall, on conviction before a Magistrate, if the disobedience of failure is not an offence punishable under any other section, be liable to a fine not exceeding fifty rupees and to a further fine not exceeding five rupees for every

day during which the said disobedience or failure continues after conviction:

Provided that when the notice fixes a time within which a certain act is to be done, and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was reasonable time within the meaning of this Act.

Board in default of owner or occupier may execute work and recover expenses.

188. (1) Whenever under the provisions of this Act any work is required to be executed by the owner or occupier any building or land, and default is made in the execution of such work, the Board may, whether any penalty is or is not provided for such default, cause such work to be executed; and the expenses thereby incurred shall, unless otherwise expressly provided in this Act, be paid to it by the person by whom such work ought to have been executed and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X.

Power to levy charges on occupier, who may deduct the same from his rent.

(2) If the defaulter be the owner of the building or land, the Board may, by way of additional remedy, whether a suit or proceeding has been brought or taken against such owner or not, require, subject to the provisions of sub-section (1), the payment of all or any part of the expenses payable by the owner for the time being from the person who then, or at any time thereafter, occupies the building or land under such owner; and in default of payment thereof by such occupier on demand, the same may be levied on such occupier; and every amount so leviable shall be recoverable in the same manner as an amount of claimed on account of any tax recoverable under Chapter X.

Occupiers not to be liable for more than the amount of rent due.

(3) Unless an occupier of any building or land neglects or refuses upon requisition made to him for that purpose by the Board truly to disclose the amount of his rent and the name and address of the person to whom such rent is payable, such occupier shall not be liable to pay in respect of any expenses charged by this Act on the owner thereof more money than—

(a) the amount of rent which is due from such occupier for the building or land in respect of which such expenses are payable at the time of the demand made upon him, or

(b) the amount which, at any time after such demand and notice not to pay the same to his landlord,

has accrued and become payable by such occupier:

Provided that the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued shall be upon such occupier:

Provided further that nothing herein contained shall be taken to affect any special contract made between any such occupier and the owner respecting the payment of the expense of any such works as aforesaid.

Expenses or costs how determined and recovered.

189. If a dispute arises with respect to any expenses or costs which are by this Act directed to be paid, the amount, and if necessary the apportionment of the same, shall, save where it is otherwise expressly provided in this Act, be ascertained and determined by the Board and shall be recoverable in the same manner as an amount claimed on account of any tax recoverable under Chapter X.

Appeals

Bar of appeal.

190. No appeal shall lie against any order made under this Act except as provided for in this Act.

Appeals to Collector against certain orders.

191. An appeal shall lie to the Collector from—

(a) an order under clause (iv) of sub-section (3) of section 48;

(b) an order of assessment of any tax under Chapter X other than the local cess, passed after giving the the assessees an opportunity to submit their objections and after hearing the objections, if any, made by them;

(c) an order of refusal to refund any tax mention-in clause (b);

(d) an order suspending or cancelling the licence of a private market under section 124.

(e) an order with regard to sources of water under sections 84, 85, 86 and 88;

(f) an order under section 102 requiring permission to erect or re-erect any building or to construct, establish or instal any factory, machinery or manufacturing plant or requiring any building, alteration, addition, construction, establishment or installation to be altered, demolished or removed, as the case may be;

(g) an order of surcharge under para (e) of clause (xx) of sub-section (2) of section 200.

Limitation for appeal.

192. An appeal under section 191 shall not be admitted unless it is preferred within 60 days from the date of the order appealed from:

Provided that an appeal may be admitted after the said period if the appellant satisfies the Collector that he had sufficient cause for not preferring the appeal within that period.

Form of appeal and stay of proceedings and of execution.

193. (1) Every appeal under section 191 shall be preferred in the form of a memorandum signed by the applicant or his pleader and presented to the Collector or to such officer as the Collector may appoint in this behalf. The memorandum shall be accompanied by a copy of the order appealed from.

(2) The memorandum shall set forth, concisely and under distinct heads, the grounds of objection to the order appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

(3 An appeal shall not operate as a stay of proceedings under an order appealed from except so far as the Collector may order, nor shall execution of an order be stayed by reason only of an appeal having been preferred from the order; but the Collector may for sufficient cause order stay of execution of such order.

(4) No order for stay of execution shall be made under sub-section (3) unless the Collector is satisfied—

(a) that substantial loss may result to the party applying for stay of execution unless the order made

(b) that the application has been made without unreasonable delay; and

(c) that security has been given by the applicant for the due performance of such order as may ultimately be binding upon him.

(5) Notwithstanding anything contained in sub-section (4), the Collector may make an **ex-parte** order for stay of execution pending the hearing of the application.

Decision of Collector in appeal.

194. (1) The Collector, after hearing the parties or their pleaders and referring to any part of the proceedings to which reference may be considered necessary, shall record his decision. Such decision may be for confirming, varying or reversing the order from which the

appeal is preferred. The Collector may, if he thinks fit by order remand the case. He shall have power to make any order which ought to have been made and make such further order as the case may require. The decision of the Collector on appeal shall be final and no second appeal shall lie therefrom.

(2) In every appeal the Collector may award costs in his discretion. Costs awarded to a Board shall be recoverable by the Board as though they were arrears of land revenue due from the appellant. If the Board fails to pay any costs awarded to an appellant within thirty days after the date of the order for the payment thereof, the Collector may order the persons having the custody of the balance of the District Fund to pay the amount.

Powers of revision.

195. The Government may at any time for the purposes of satisfying itself as to the legality or propriety of any order passed by or as to the regularity of the proceedings of, any Board or officer subordinate to the Government or Board acting in the exercise of any power or authority conferred by or under this Act, call for and examine the record of any case pending before or disposed of by such officer and may pass such order with reference thereto as it thinks fit:

Provided that no order shall be reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

Procedure relating to offences.

Cognizance of offence.

196. (1) Unless otherwise expressly provided, no court shall take cognizance of any offence punishable under this Act or any rule or bye-law made thereunder except on the complaint of, or upon information received from the Board or any person authorised by the Board in this behalf.

(2) The Board may authorise any person to make complaints or give information without previous reference to the Board, either generally in regard to all offences against this Act and any rules or bye-laws made thereunder or particularly in regard to specified offences or offences of a specified class. Such person may be authorised by virtue of his office, if he is the President, Vice-President, Executive Officer, Local Engineer, Civil Surgeon or Health Officer of the district or the officer-in-charge of a Police station; in other cases the authority

shall be by name. The authority shall in all cases be in writing and may, at any time, be cancelled by the Board.

Board may prosecute.

197. (1) The Board may direct any prosecution for any public nuisance whatever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, or of any rule or bye-law thereunder and may order the expenses of such prosecutions or other proceedings to be paid out of the District Fund:

Provided that no prosecution for an offence under this Act or any rule or bye-law thereunder shall be instituted except within three months next after the commission of such offence.

(2) Any prosecution under this Act or under any rule of bye-law thereunder may, save as therein otherwise provided be instituted before any Magistrate, and every fine or penalty imposed under or by virtue of this Act or any rule or bye-law thereunder, and also all claims to compensation or other expenses for the recovery of which no special provision is otherwise made in this Act, may be recovered on application to such Magistrate, by the distress and sale of any movable property within the limits of his jurisdiction belonging to the person from whom the money is claimed.

Power to compound offence.

198. (1) The Board or, with the authorisation of the Board its President, Executive Officer or any sub-committee thereof may compound any offence against this Act or any rule or bye-law made thereunder which under the law for the time being in force may legally be compounded.

(2) On payment of the amount by way of composition no further proceedings shall be taken or continued against the defaulter in regard to the offence or alleged offence so compounded.

(3) Authorisation under sub-section (1) to accept composition for alleged offences may be given by the Board either generally in regard to all offences under this Act and the rules and bye-laws made thereunder or particularly in regard only to specified offences or offences of a specified class, and may, at any time, be withdrawn by the Board.

CHAPTER XIV

Rules and Bye-laws

General provisions regarding rules.

199. (1) All rules for which provision is made in his Act shall be made by the Government.

(2) Such rules may be general for all Boards or may be special for the whole or any part of the area subject to the jurisdiction of any one or more Boards, as the Government may direct.

(3) All rules shall be subject to previous publication and shall be laid before the Legislative Assembly.

(4) In making any such rules the Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and where the breach is a continuing one with further fine, which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

Matters as to which rules may be made.

200. (1) In addition to any power specially conferred by this Act, the Government may make rules generally for the purpose of carrying into effect all or any provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules with regard to—

(i) the delimitation of constituencies, under section 7, preparation and publication of list of voters under section 9, mode, time and conduct of election of members, President and Vice-President under sections 11 and 36, the time within which and the manner in which return of election expenses shall be lodged under section 14, the consequences of not lodging such return and the filling of casual vacancies under section 40;

(ii) the decision of doubts and dispute relating to the election of members, the President and the Vice-President, the evidence to be admitted, the procedure to be followed, the powers to be exercised by the Election Tribunal in making enquiries, including power to indemnify witnesses against civil or criminal proceedings, and to enforce orders made in such enquiries;

(iii) What shall constitute corrupt and illegal practices under this Act at elections for the purpose of rendering such elections void, and the disability to which persons found guilty of such practices shall be

liable, and providing in which cases such disability may be removed;

(iv) the moving of no-confidence motion against President or Vice-President under clause (c) of sub-section (1) of section 37;

(v) the formation, constitution, procedure and term of office or members of Committees and Sub-Committees and the delegation to Sub-Committees of powers, duties and functions with reference to sections 41, 42, 43 and 44;

(vi) the powers and functions of the President with reference to section 45;

(vii) the conduct of business in meeting of Board and interpellation by the members of the Board under Chapter IV;

(viii) the independent authority which the Board may exercise in respect of public institutions, maintained out of its fund, with reference to section 68;

(ix) the transfer of immovable property under section 70;

(x) the powers of the Board to compromise any suit instituted by or against the Board or any cliam or demand with reference to section 79;

(xi) the duties and discretionary powers of a Board with reference to sections 80 and 81;

(xii) the conditions for issue of licence under section 91;

(xiii) the provisions subject to which a place may be used for the purposes mentioned in section 97 and the fees for licences granted under that section;

(xiv) the provisions subject to which any building may be erected or re-erected or a factory, workshop or work-place may be established or installed under section 102;

(xv) the regulation of the lay-out, improvement and development of rural areas and the manner in which a regional or village plan or a local lay-out shall be sanctioned by Government under section 103, and in particular regarding—

(a) the authorities by whom a regional or village plan or local lay-out shall be made and executed;

(b) the localities in the area concerned which shall be notified as reserved for residential, factory or other purposes;

(c) the prohibitions, restrictions, limitations and conditions entailed by a notification under sub-section (1) of that section on existing houses, factories, trades, business and other things;

(d) the sanitary principles and building regulations to be observed in drawing up plans and lay-outs;

(e) the regulation of the erection of buildings along main and by-pass roads used for through traffic or adjoining the area concerned;

(f) restriction on building in the interests of the safety of aircraft using any aerodrome in or adjacent to the area concerned;

(g) the streets or roads and the improvements thereto provided in a plan or lay-out which shall be made or carried out at the expense of the Board, the owners of the property or both;

(h) the levy of betterment contributions by the Board or other authority carrying out any regional or village plan or local lay-out from the owner of any property the value of which has increased or is likely to increase by reason of the making of such plan or lay-out;

(i) the manner in which the expenses attendant upon the making or execution of a regional or village plan or local lay-out and the profits accruing therefrom shall be apportioned between the Boards concerned or between them and the Government;

(j) the regulation of the manner in and the extent to which all documents and plans prepared in this behalf shall be made accessible to the public;

(xvi) the regulation of public and private markets under sections 121 and 123 and the collections of charitable funds and subscription in the said markets;

(xvii) the conditions for issuing licences under section 123 and the fees which may be charged therefor under that section;

(xviii) the meeting of expenditure from the District Fund with reference to sub-section (2) of section 129:

(xix) the preparation and form of annual estimates of income and expenditure, the date of submission of budget estimates; and in particular the items of expenditure and the apportionment of local cess after deducting administrative and audit charges between various heads **viz.,** General, Education and Medical ;

(xx) the accounts to be kept and statements to be submitted and the audit of such accounts under section 133; and in particular regarding—

(a) financial powers of Boards and Officers;

(b) the appointments, payment and powers of District Fund Auditors;

(c) the authorities to whom such auditors shall be subject ;

(d) the manner of audit and the way in which audit reports are to be disposed of;

(e) the surcharging upon the Board or upon all or any of its members or its officers and servants, or other persons, for any improper expenditure of the Board's Funds or any loss or waste of the Board's Funds or resources caused by negligence, impropriety or dishonesty;

(f) the power of the Board and its President and the other authorities to accord administrative sanction and of Local Fund Engineers of all grades to accord technical sanction, to estimates of public works;

(g) the manner in which estimates are to be prepared, works executed and paid for;

(h) the payment of bills and charges generally;

(i) the fixation of instalments of arrears of sums due to Boards and writing off of such sums as irrecoverable;

(j) the power to reappropriate within the budget estimates;

(k) the control which may be exercised over Boards in respect of financial matters generally and the authorities who may exercise such control;

(xxi) the carrying out of the purposes provided for in sections 135 and 136.

(xxii) the imposition and assesment of special tax under section 138, the imposition and assessment and

maximum amounts or rates of taxes under section 139 and for preventing evasion of assessment and payment, for the payment of lumpsums in composition, and for fixing the fees for—

(a) every notice of demand issued under sub-section (3) of section 147;

(b) every distress made under section 152;

(c) the costs of maintaining any livestock seized under the said section;

(xxiii) the refund of taxes under section 163 and the limitation for such refunds;

(xxiv) the appointment, conditions of service, etc., of officers and servants under section 165;

(xxv) the regulation of relations between Boards and other local authorities, with reference to sub-section (2) of section 179;

(xxvi) the appointment of technical and inspecting officers and their establishment, their duties, powers and conditions of service, the procedure to be followed for paying salaries and allowances to them and their establishment and the apportionment of expenses attending the appointment and entertainment of such officers and their establishment and other charges pertaining thereto or arising therefrom, with reference to section 180;

(xxvii) the procedure to be followed in the composition of offences under section 198;

(xxviii) the procedure to be followed in correspondence between the Government and the Board;

(xxix) the guidance of Government and Board officials in all matters connected with the administration of this Act and for settling their mutual relations;

(xxx) the manner of publication of bye-laws made by a Board under section 201;

(xxxi) the translation in local language of this Act, and all rules and bye-laws made thereunder and their inspection by any inhabitant;

(xxxii) the powers which may be exercised by persons authorised under clause (b) of section 209; and

(xxxiii) any other matter which has to be, or may be, prescribed.

Bye-laws.

201. (1) All bye-laws for which provision is made under this Act shall be made by the Board at a special meeting and shall be consistent with this Act and with the rules made thereunder.

(2) A bye-law may be general for the whole area under the jurisdiction of the Board or special for any part of such area, as the Board may direct.

(3) Unless specially excepted in this Act from the operation of this sub-section, no bye-law shall take effect until it has been confirmed by the Government.

(4) Unless specially excepted in this Act from the operation of this sub-section, no bye-law shall take effect until it has been published in the manner prescribed by rules under this Act;

(5) In making any bye-laws the Board may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing one, with further fine which may extend to five rupees for every day after the first during which the breach is proved to have been persisted in.

Matters as to which bye-laws may be made.

202. In addition to any power of making bye-laws specially conferred by this Act, a Board may make bye-laws—

(a) for defining limits and regulating the use and management of, and for maintaining in sanitary condition any public market, fair, agricultural or industrial show or exhibition;

(b) for the management, maintenance and control of all matters administered by the Board under sections 80 and 81;

(c) for regulating the use of public roads and the traffic thereon and for securing cleanliness, security and order in respect of the same;

(d) for protecting from injury or interference anything within the limits of the Board jurisdiction or in the charge of the Board being the property of the Government or of the Board;

(e) for licensing brokers, commission agents, weighmen or measurers practising their calling in any public market or fair, and fixing the fees leviable on them and the conditions on which the licenses are to be granted and may be revoked;

(f) for the appointment of persons to register sales of animals in any public market or fair;

(g) for the appointment of a committee for any public market, fair, agricultural or industrial show or exhibition, and for the delegation to such committee of all or any of the powers of the Board for the control and supervision of such market, fair, show or exhibition; and

(h) generally for carrying out the purposes of this Act.

CHAPTER XV

Miscellaneous

Power of Government to transfer powers and functions of Panchayats to Boards and *vice versa.*

203. Notwithstanding anything contained in this Act or in the Hyderabad Village Panchayat Act, 1951 (hereinafter referred to in this section as that Act), the Government may, in consultation with the Board or Panchayat, as the case may be, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein direct—

(i) that any power or function vested in a Panchayat or class of Panchayats generally by or under that Act, shall be transferred to and be exercised or performed by a Board within the area under its jurisdiction, or

(ii) that any power or function vested in a Board or Boards generally by or under this Act shall be transferred to and be exercised or performed by any Panchayat or class of Panchayats within the area under its or their respective jurisdiction, or

(iii) that any power or function vested in a Board under this Act as well as in a Panchayat or class of Panchayats generally under that Act, shall be exercised or performed exclusively either by the Board or by the Panchayat or class of Panchayats generall within the area under its or their respective jurisdiction.

Mode of proof of records.

204. A copy of any receipt, application, plan, notice, order, entry in a register or other document in the possession of a Board shall, if duly certified by the legal keeper thereof, or other person authorised by any bye-law in this behalf, be received as **prima facie** evidence of the existence of the entry or document, and shall be admitted as evidence of the matters and transactions therein recorded in every case, where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

Restrictions on summoning servants of the Board to produce documents.

205. No officer or servant of the Board shall in any legal proceeding to which a Board is not a party be required to produce any register or document the contents of which can be proved under the preceeding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause.

Power of Board to call for evidence.

206. The Board shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents and every person required by the Board to furnish any information before it, shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code, 1860 (XLV of 1860).

Powers and duties of police in respect of offences and assistance to authorities.

207. Every police officer employed within the jurisdiction of a Board shall give immediate information to the Board of any offence committed against this Act. or the rules or bye-laws thereunder and shall be bound to assist all members, officers and servants of the Board in the exercise of their lawful authority.

Power of Board to delegate its powers.

208. (1) The Board may delegate all or any of its powers under this Act, or the rules and bye-laws made thereunder except the power to make bye-laws, to the President, the Executive Officer or any other officer or servant of the Board, or, with the approval of Government to any other officer.

(2) The Board shall have the power, at any time, to rescind modify or withdraw the powers so delegated.

Effect of this Act upon the Hyderabad Cattle Trespass Act V of 1337 Fasli.

209. Notwithstanding anything contained in the Hyderabd Cattle Trespass Act, 1337 Fasli—

(a) the powers of the High Court and the Court of Session under sub-section (3) of section 26 of the said Act, shall be exercisable only in respect of cases under Chapter IV & V of the said Act and in respect of all other cases under the said Act, the said powers shall be vested in the Board;

(b) in respect of powers under the control or management of a Board, the High Court shall have no powers under sub-section (4) of section 26 of the said Act, and the Government may authorise any person or persons to exercise such of those powers as may be prescribed and may, at any time withdraw such powers;

(c) the powers of the High Court under section 27 of the said Act shall not be exercisable by the Court and the said powers shall be exercised by the Government.

Repeal and savings.

210. The Hyderabad District Boards A'in, 1352 Fasli, is hereby repealed :

Provide that—

(a) such repeal shall not affect the liability of any person to pay any sum due from him under the said A'in or the validity or invalidity of anything done thereunder ;

(b) all Boards constituted under the said A'in including interim Boards and those existing immediately before the coming into force of this Act shall be deemed to have been established as Boards under this Act until such Boards are constituted afresh in accordance with the provisions of this Act ; and the rights and liabilities of any such Boards shall be vested in and attached to the Boards so deemed to have been established ;

and any appointment, notification, notice, tax, order, permission, rule or bye-law made, issued or imposed in respect of any such Board under the A'in so repealed shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or imposed under the provisions of this Act, in respect of the Boards so deemed to have been established under this Act unless and until superseded by any appointment, notification, notice, tax, order, permission, rule or bye-law made, issued or imposed under this Act.

SCHEDULE A.

(See sub-section (3) of section 147).

FORM OF NOTICE OF DEMAND.

To

A.B.————————residing at————————

Take notice that the Board of————————demands from————————the sum of———————— due from————————on account of———————— ————————(here describe the property or other subject in respect of which the tax is leviable)———————— ————leviable under————for the period of———— commencing on the————day of————19 , and ending on the————day of————19 , and that if, within thirty days from the service of this notice the said sum is not paid into the office of the Board at ————————, and sufficient cause for non-payment is not shown to the satisfaction of the Board a warrant of distress will be issued for the recovery of the same with cost.

Dated this————day of————19 .

(Signed)

BY ORDER OF THE BOARD OF

SCHEDULE C.

(See clause (c) of section 152 and sub-section (1) of section 158)

FORM OF INVENTORY AND NOTICE

To

A.B.——————residing at——————

Take notice that I have this day seized the goods and chattles specified in the inventory beneath this, for the value of ——————due for the tax*——————for the period commencing with the——————day of ——————19 , and ending with the——————day of ——————19 , together with Rs.——————due as for service of notice of demand and that unless within fifteen days from the date of this notice you pay into the office of the Board at——————the said amount together with the cost of recovery, the said goods and chattles will be sold.

Dated this——————day of——————19 .

(Signature of officer executing the Warrant).

INVENTORY.

(here state particulars of goods and chattles seized).

* Here describe the tax.

THE HYDERABAD MUNICIPAL CORPORATIONS ACT, 1955.

No. II of 1956.

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477. If Corporation fails to acquire the land owner may call upon Corporation to acquire it or to withdraw from proposal.

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484. Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.

485. Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

486. Scavengers' duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

487. Prohibition of failure to remove refuse, etc., when bound to do so.

488. Presumption as to offender under clause (e) of section 487.

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507. Duty of Commissioner in respect of public well or receptacle of stagnant water.

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516. Factory etc., not to be newly established without permission of Commissioner.

517. Application for new factories.

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526. Provisions of new Municipal Markets and slaughter-houses.

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536. Regulations and table of stallage rents to be posted up in markets and slaughter-houses.

537. Power to expel persons contravening bye-laws or regulations.

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538. Prohibition of sale of animals, etc., except in market.

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539. Butchers and persons who sell the flesh of animals to be licensed.

540. Prohibition of import of cattle, etc., into the city without permission.

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544. Disposal of perishable article seized under section 543.

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547. Applications for summon to be refused if not applied for within specified time.

548. Saving of Hyderabad Slaughter of Animals Act, 1950.

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550. Any place may at any time be inspected for purpose of preventing spread of infectious disease.

551. Prohibition of use of drinking of water likely to cause infectious disease.

552. Commissioner may order removal of patients to hospital.

553. Power to order detention in hospital of infected person without proper lodging to return to.

554. Disinfection of buildings, etc.

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556. Place for disinfection may be provided.

557. Person suffering from infectious disease not to enter a public conveyance without notifying the same.

558. Provision of carriages for conveyance of patients.

559. Provision as to carriage of persons suffering from infectious disease in public conveyances.

560. Public conveyance which has carried a person suffering from infectious disease to be disinfected.

561. Duty of owner, etc., of public conveyance in regard to cases of infectious disease.

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565. Commissioner may take special measures on outbreak of any infectious disease.

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566. Places for disposal of dead to be registered.

567. Provision of new places for disposal of dead.

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569. Government may direct closing of place for disposal of dead.

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581. Medical Practitioner who attended a deceased person to certify the cause of his death.

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589. Bye-law to be confirmed by Government.

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591. Boards for exhibiting bye-laws to be open to inspection and not to be injured.

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594. Posting of standing orders and table of stallage rents, etc.

595. Penalty for breach of bye-laws, or standing orders.

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600. Prohibition of public meetings on the election day.

601. Disturbances at election meetings.

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603. Officers, etc., at elections not to act for candidates or to influence voting.

604. Prohibition of canvassing in or near polling stations.

605. Penalty for disorderly conduct in or near polling stations.

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607. Penalty for illegal hiring or procuring of conveyances at elections.

608. Removal of ballot papers from polling station to to be an offence.

609. Making false declaration.

610. Breach of official duty in connection with elections.

611. Other offences and penalties therefor.

612. Prosecution regarding certain offences.

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613. Punishment for acquiring share or interest in contract, etc., with the Corporation.

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623. Licence required for dealing in dairy products.

624. Licence for sale in public places.

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626. Public notices how to be made known.

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629. Notice, etc., by whom to be served or presented.

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632. The three last sections inapplicable to Magistrate's summonses.

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634. Signature on notices, etc., may be stamped.

635. Power of Commissioner to call for information as to ownership of premises.

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637. Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

638. Power to summon witnesses.

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639. Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.

640. Recovery of expenses by removals by the Commissioner under sections 405, 413, 456 and 504.

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641. Expenses recoverable under this Act to be payable on demand; and if not paid on demand may be recovered as an arrear of property tax.

642. What expenses may be declared to be improvement expenses.

643. (1) Improvement expenses by whom payable.
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644. Redemption of charge for improvement expenses.

645. Recovery instalments due under sections 641 and 643.

646. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

647. Limitation of liability of agent or trustee of owner.

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648. Compensation for damages may be paid by the Commissioner.

649. Compensation to be paid by offenders against this Act for any damage caused by them.

Recovery of expenses of compensation in case of dispute.

650. In cases falling under section 641 disputes to be determined by the Judge.

651. Amount of expenses or compensation to be determined in all cases of dispute by the Judge.

652. Expenses or compensation awarded by Judge to be recovered, if necessary, as if they were due under a decree of the Court.

653. Persons liable for expenses or compensation may be sued for recovery thereof.

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654. Appeals to the Judge.

655. Appeals against demolition orders.

656. Appeals against decision of the Judge regarding payment of expenses for works executed.

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657. Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

658. Power to summon witnesses and compel production of documents.

659. Fees in proceedings before the Judge.

660. Exemption of poor persons from fees.

661. Repayment of half fees on settlement before hearing.

662. Authority to Judge to delegate certain powers.

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664. Appointment of a Magistrate of the First Class.

665. Limitation of time within which complaints of offences punishable under this Act shall be entertained.

666. Power of Magistrate to hear cases in absence of accused.

667. Complaint concerning nuisance.

668. Appeal to the Court of Session from order passed under section 667.

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669. Offenders against this Act may in certain cases be arrested by Police Officers.

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670. Code of Civil Procedure to apply.

671. Limitation.

672. Execution of orders of the Judge and the High Court.

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674. Provisions respecting Institution, etc. of Civil and Criminal actions and obtaining legal advice.

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675. Governments' power to call for records.

676. Government's power to cause inspection to be made.

677. Government's power to require the performance of duties.

678. Government's power to appoint a person to take action in default.

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682. Assistance for the recovery of rent on land.

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684. Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc.

685. Protection of persons acting under this Act against suits.

686. Savings in respect of certain provisions of Hyderabad Land Revenue Act.

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Repeal of Enactments.

687. Repeal, etc.

SHEDULES.

THE HYDERABAD MUNICIPAL CORPORATIONS ACT, 1956.

No. II of 1956.

(Received the assent of the President on 14th February, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 17th February, 1956.)

An Act to re-enact the law relating to Municipal Corporations in the cities of Hyderabad and Secunderabad.

Preamble.

WHEREAS it is expedient to reenact the law relating to Municipal Corporations in the cities of Hyderabad and Secunderabad;

BE it enacted in the Sixth Year of our Republic as follows:—

CHAPTER I.

Preliminary.

Short title, extend and commencement.

1. (1) This Act may be called the Hyderabad Municipal Corporations Act, 1955.

(2) It extends to the cities of Hyderabad and Secunderabad and shall come into force at once.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context,—

(1) 'bakery or bake-house' means any place in which bread, biscuits, or confectionery are backed, cooked or prepared in any manner whatsoever for the purpose of sale;

(2) 'budget grant' means the total sum entered on the expenditure side of a budget estimate under a major head and finally adopted by the Corporation;

(3) 'building' includes a house, out-house, stable, latrine godown, shed, hut, wall, fencing, platform and any other structure whether of masonry, bricks, wood, mud, metal or of any other material whatsoever;

(4) 'business' includes any trade, commerce or manufacture, or an adventure or any concern in the nature of trade, commerce or manufacture;

(5) 'cesspool' includes a settlement tank or other tank for the reception or disposal of foul matter from buildings;

(6) 'city' means the area declared by the State Government by notification to be the City of Hyderabad or the City of Secunderabad, as the case may be;

(7) 'Commissioner' means the Municipal Commissioner for the city appointed under section 104 and includes an acting commissioner appointed under section 110:

(8) 'company' means a company as defined in the Indian Companies Act, 1913 (VII of 1913) or formed in pursuance of an Act of Parliament or of an Act of the Legislature of a State and includes any firm or association carrying on business in the State of Hyderabad whether incorporated, or its principal place of business is situate therein, or not;

(9) 'the corporation' means the Municipal Corporation of the City;

(10) 'Councillor' means a person who is duly elected or deemed to be duly elected as a Councillor of the Corporation under this Act;

(11) 'cubical contents' when used with reference to the measurement of a building means the space contained within the external surface of its walls and roof and the upper surface of the floor of its lowest storey, or where the building consists of one storey only, the upper surface of its floor;

(12) 'dairy' includes any farm, milk store, milk shop or other place from which milk is supplied only on or for sale or in which milk is kept for the purposes of sale, or manufactured into butter, ghee, cheese, curd or dried or condensed milk, for sale, and in the case of a dairy-man who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include—

(a) a shop from which milk is not supplied otherwise than in a properly closed and unopened vessel in which it was delivered to the shop; or

(b) a shop or other place in which milk is sold for consumption on the premises only;

(13) 'dairy-man' includes any occupier of a dairy, any keeper of milch-kine who trades in milk, or any person who sells milk whether wholesale, or by retail;

(14) 'drain' includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain

water, or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejector, compressed air main, sealed sewage main and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place;

(15) 'eating house' means any premises to which the public or any section of the public are admitted and where food is prepared, supplied or sold for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such premises;

(16) 'Election Tribunal' means a tribunal constituted under section 75;

(17) 'factory' means a factory as defined in the Factories Act, 1948 (LXIII of 1948) and includes any premises as also its precinets wherein an industrial, manufacturing or trade process is carried with the aid of steam, water, oil, gas, electricity or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(18) 'filth' means—

(a) night soil or other contents of latrines, cesspools and drains;

(b) dirt, dung, refuse, useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(c) putrid or putrifying substance;

(19) 'finacial year' means the year beginning on the first day of April or such other date as the Government may by notification appoint;

(20) 'food' includes every article other than drugs and water used by human beings for purposes of eating or drinking, any material or substance used or admixed in the composition, preparation, flavouring or colouring of such article and all confectionery, spices and condiments;

(21) 'frame building' means a building the external walls of which are constructed of timber framing or iron framing, and the stability of which depends on such frames:

(22) 'goods' includes animals;

(23) 'house-drain' means any drain of, and used for the drainage of, one or more buildings or premises and made merely for the purpose of communication with a municipal drain;

(24) 'house-gully' means a passage or strip of land constructed, set apart or utilised for the purpose of serving as a drain or for affording access to municipal servants or to persons employed in the cleansing of a privy, urinal, cesspool or other receptacle for filth or polluted matter, or in the removal of such matter therefrom;

(25) 'hut' means any building which is constructed principally of wood, mud,leaves, grass, cloth or thatches and includes any temporary structure, of whatever size or material, which the Corporation may for the purposes of this Act declare to be a hut;

(26) 'infectious disease' means cerebro-spinal fever, chicken-pox, cholera, diphtheria, enteric fever, epidemic influenza, leprosy, measles, plague, rabies, scarlet fever. small-pox, tuberculosis, typhus, yaws, or any other disease which the Government may by notification declare to be prevalent either generally throughout State or City or in such part or parts thereof as may be specified in the notification;

(27) 'the judge' means in the City of Hyderabad the First Judge of the Court of Small Causes and in the City of Secunderabad the District Judge and shall include a Sub-Judge to whom such judge may transfer in accordance with the provision of this Act an application or appeal for disposal;

(28) 'land' includes land which is being built upon or is built upon or covered with water, benefits to arise out of land, things attached to the earth or permanently fastened to anything attached to the earth and rights created by legislative enactment over any street;

(29) 'licensed' means a person licensed under this Act;

(30) 'Local authority includes Municipal Corporation, City and Town Municipalities, District Boards and Cantonment Board ;

(31) 'lodging-house' means a building or part of a building where lodging with or without board or other service is provided for a monetary consideration;

(32) 'market' includes any place where persons assembled for the sale of, or for the purpose of exposing for sale, livestock, food for livestock, meat, fish, fruit, vegetables, animals intended for human consumption or any other article of human food whatsoever with or without the consent of the owner of such place, notwithstanding that there may be no common regulation of the concourse of buyers and sellers and whether or not any

control is exercised over the business carried on in or on the persons frequenting such place by the owner thereof or any other person;

(33) 'masonry building' means any building, other than a frame building or a hut and includes any structure a substantial part of which is made of masonry or of steel, iron or other metal;

(34) 'municipal building', 'municipal drain', 'municipal market', 'municipal slaughterhouse' or 'municipal water works' means a building, drain, market, slaughterhouse or water works as respectively vest in or are managed by the Corporation under this Act;

(35) 'nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to health or property of the public or of persons in general who dwell in the vicinity, or occasion to exercise a public right;

(36) 'occupier' includes—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable,

(b) a rent-free tenant,

(c) licensee in occupation of any land or building, and

(d) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(37) 'octroi' means a cess levied on goods at the time of their entry into the limits of a City for purposes of consumption, use or sale therein;

(38) 'offensive matter' includes—

(a) filth,

(b) sewage,

(c) dust, house-sweeping, spittings, including chewed betel and tobacco, kitchen or stable refuse, pieces of broken glass or pottery-debris and waste paper;

(39) 'owner' means—

(a) When used with reference to any premises, the person who receives, the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes—

(i) an agent or trustee who receives such rent on account of the owner;

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious or charitable or educational purposes;

(iii) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of or to exercise the rights of an owner of the said premises; and

(iv) a mortgagee-in-possession; and

(b) when used with reference to any animal, vehicle or boat includes the person for the time being in charge of the animal, vehicle or boat;

(40) 'premises' includes messuages, buildings and lands of any tenure whether open or enclosed, whether built on or not and whether public or private;

(41) 'prescribed' means prescribed by rules made by Government under this Act;

(42) 'private street' means any street, which is not a 'public street' but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises;

(43) 'privy' means a place set apart for defecating or urinating or both, together with the structure comprising such place, the receptacle therein for human excreta and the fittings and apparatus, if any, connected therewith, and includes a closet of the dry type, an aquaprivy, a latrine and a urinal;

(44) 'public place' includes any park or garden, ground or any other place to which the public have or are permitted to have access;

(45) 'public securities' means—

(a) securities of the Central Government or any State Government,

(b) stocks, debentures or shares, the interest whereon has been guaranteed by the Central or any State Government,

(c) debentures or other securities for money issued by or on behalf of any local authority,

(d) securities expressly authorised by any order which the Government makes in this behalf;

(46) 'public street' means any street over which the public have a right of way, whether a throughfare or not and includes—

(a) a broadway over or a footway attached to any public bridge or cause-way, and

(b) the drain attached to any such street, public bridge or cause-way and the land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to Government;

(47) 'rack rent' means the amount of the annual rent for which the premises with reference to which the term is used might reasonably be expected to let from year to year as ascertained for the purpose of fixing the rateable value of such premises;

(48) 'rateable value' means the value of any building or land fixed in accordance with the provisions of this Act and the rules made thereunder for the purpose of assessment to property taxes;

(49) 'rubbish' includes dust, ashes, broken bricks, mortar waste, garden refuse and refuse of any kind which is not offensive matter or sewage;

(50) 'schedule' means the schedule annexed to this Act;

(51) 'sewage' means night soil and other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattle-sheds and other like places and includes trade effluent and discharges from manufactories of all kinds;

(52) 'street' includes any highway, and any cause-way, bridge, viaduct, arch, road, land, footway, sub-way, court, alley or riding path or passage, whether a thoroughfare or not; and, when there is a footway as well as a carriage way in any street, the said term includes both;

(53) 'sweetmeat shop' means any premises or part of any premises used for the manufacture, treatment or storing for sale, whether wholesale or retail, of any ice-cream, confectionery or sweetmeat of any kind whatsoever, for whomsoever intended and by whatsoever name the same may be known, and whether the same be for consumption on or outside the premises;

(54) 'trade effluent' means any liquid either with or without particles of matter in suspension therein, which is wholly or in part produced in the course of

any trade or industry carried on at trade premises, and in relation to any trade premises, means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises, but does not include sewage;

(55) 'vehicle' includes a carriage, cart, van, dray, truck, handcart, bicycle, tricycle, cycle-rickshaw, auto-rickshaw, motor-cycle, motor-car, and every wheeled conveyance which is used or is capable of being used on a street;

(56) 'water closet' means a closet which has a separate fixed receptacle connected to a drainage system and separate provision for flushing from a supply of clean water either by the operation of mechanism or by automatic action;

(57) 'water connection' includes—

(a) any tank, cistern, hydrant, stand-pipe, meter or tap situated on any private property and connected with a water-main or pipe belonging to the Corporation; and

(b) the water-pipe connecting such tank, cistern, hydrant, stand-pipe, meter or tap with such water-main or pipe;

(58) 'water-course' includes any river, stream or channel;

(59) 'water for domestic purposes' shall not include water for cattle, or for horses, or for washing vehicles, when the cattle, horses or vehicles are kept for sale or hire, or by a common carrier, and shall not include water for any trade, manufacture or business, or for building purposes, or for watering gardens, or for fountains or for any ornamental or mechanical purposes;

(60) 'water works' includes a lake, stream, spring, well, pump, reservoir, cistern, tank, duct whether covered or open, sluice, mainpipe, culvert, engine, water-truck, hydrant, stand-pipe, conduit and machinery, land, building of thing for supplying or used for supplyng water or for protecting services of water supply.

Constitution of Cities.

3. (1) The areas included immediately before the commencement of this Act, in the Corporations of Hyderabad and Secunderabad shall respectively constitute the City of Hyderabad and the City of Secunderabad for the purposes of this Act:

Provided that nothing in this sub-section shall prevent the Government from establishing, with a view to secure efficiency and economy in the municipal administration, a single Corporation for Greater Hyderabad inclusive of the areas of the two Cities aforesaid and the are as contiguous thereto on such terms and conditions as may be specified in a notification published in the Official Gazette in this behalf:

Provided further that no notification in respect of the establishment of a single Corporation shall be published unless the Corporations shall have previously resolved by a three-fourth majority of the total number of the Councillors in this behalf.

(2) Government may, from time to time, after consultation with the Corporation, by notification in the Official Gazette alter the limits of a City constituted subsection (1) so as to include therein or to exclude therefrom, the areas specified in the notification.

(3) The power to issue a notification under sub-section (2) shall be subject to previous publication.

CHAPTER II.

The Municipal Constitution.
Municipal Authorities.

Municipal authorities charged with the execution of the Act.

4. The Municipal authorities charged with carrying out the provisions of this Act are:—

(a) a Corporation;

(b) a Standing Committee;

(c) a Commissioner;

The Municipal Constitution.

Constitution of Corporation.

5. (1) Subject to the provisions of sub-section (2), the Corporation shall consist of—

(a) in the City of Hyderabad sixty-six Councillors;

(b) in the City of Secunderabad twenty-eight Councillors;

(c) In the case of establishment of a single Corporation under the proviso to sub-section (1) of section 3 the representation of each constituency in the Corporation shall be on the basis of the population of that Constituency as ascertained in the last preceding Census of which the relevant figures have been published and shall be on a scale of not more than one Councillor for every 12000 of the population:

Provided that the total number of Councillors in the Corporation shall in no case be more than 100.

(2) The number of Councillors belonging to the Scheduled Castes in the Corporation shall—

(a) in the City of Hyderabad, be eight;

(b) in the City of Secunderabad, be four;

(c) in the case of establishment of a single Corporation under the proviso to sub-section (1) of section 3, the number of seats reserved for the Scheduled Castes in the Corporation shall bear, as nearly as may be, the same proportion to the total number of seats in the Corporation as the population of the Scheduled Castes in the City bears to the total population of the City,

(3) The Corporation shall, by the name of "the Municipal Corporation of the City of....." be a body corporate and have perpetual succession and a common seal and may by such name sue and be sued.

Explanation.—In this section Scheduled Castes shall have the same meaning as is assigned to the expression in clause (24) of Article 366 of the Constitution of India.

Term of Office of Councillors.

Term of office of Councillors.

6. (1) Subject to the provisions of this Act the Councillors elected to succeed the retiring Councillors shall hold office for a term of four years:

Provided that the Government may by notification in the Official Gazette and for reasons specified therein extend the said term to a term not exceeding in the aggregate five years.

(2) The term of office of the Councillors shall commence on the date of the first meeting held under clause (b) of section 88 and shall expire on a day before the date of next such meeting, which day is in this Act referred to as the day for retirement.

Elections when to be held.

7. (1) Every general election requisite for the purpose of this Act shall be held by the Commissioner in the manner prescribed, within three months before the day for retirement of the Councillors as specified in section 6.

(2) A casual vacancy in the office of a Councillor shall be filled at a bye-election which shall be held within three months of the date of the occurrence of the vacancy and every Councillor so elected shall hold office so long only as the person in whose place he is elected would

have been entitled to hold it if the vacancy had not occured:

Provided that no bye-election shall be held to fill a casual vacancy occurring within six months before the day for retirement of the Councillors and that such constituency shall be filled at the next general elections of the Corporation.

Qualifications and Disqualifications of Voters.

Determination of constituencies.

8. (1) For the purpose of elections to the Corporation, the Commissioner shall by notification in the Official Gazette and in such other manner as he thinks fit determine the Constituencies—

(a) by dividing the city into constituencies;

(b) in which the seats, if any, reserved for the Scheduled Castes shall be set apart:

Provided that no such determination shall be deemed to be final unless the Commissioner shall have by a like notification published his proposals to elicit public opinion in respect thereof and specified the date on or after which the proposals will be further considered and shall have considered the objections and suggestions, if any, received by him before the date so specified.

(2) Each constituency shall ordinarily return only one Councillor.

(3) The constituencies referred to in clause (b) of sub-section (1) shall in addition to the Councillor for such reserved seat return one more Councillor for non-reserved seat.

(4) The number of Councillors to be returned for each of the constituencies shall be notified by the Commissioner.

(5) When a notification issued under sub-section (1) materially alters the existing division of the city into constituencies the alteration shall take effect from the date of next ordinary elections.

(6) When the number of Councillors to be returned by a constituency is altered or when a new Constituency is formed or when an existing constituency is abolished the Commissioner shall determine—

(a) the constituency which each Councillor then in the corporation shall be deemed to represent;

(b) the constituency or constituencies in which election shall be held to fill up the vacancies, if any, in the Corporation.

Qualification for registration in the list of voters.

9. (1) Subject to the provisions of section 10 every person who—

(a) has been ordinarily resident in a City;

(b) was not less than 21 years of age on the first day of March of the year for which the list of voters is being prepared;

shall be entitled to be registered in the list of voters.

(2) Save as hereinafter provided a person shall be deemed to be ordinarily resident in a City if he ordinarily resides in that City or owns or is in possession of a dwelling house therein.

Explanation.—(a) A person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place shall not by reasons thereof be deemed to be ordinarily resident therein.

(b) A member of the Armed Forces of the Union shall be deemed to be ordinarily resident on any date in the city in which, but for his service in the Armed Forces, he would have been ordinarily resident on that date.

Disqualification for registration in the list of voters.

10. (1) A person shall be disqualified for registration in the list of voters if he—

(a) is not a citizen of India;

(b) is of unsound mind and stands so declared by a competent court;

(c) is for the time being disqualified from voting under the provisions of any law relating to corrupt and illegal practices and other offences in connection with elections.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the list of voters in which it is included.

Constituency List.

Revising authority.

11. In this sub-chapter "Revising Authority" means such person or persons as the Government may appoint in writing to perform all or any of the functions of the Revising Authority under this Act in respect of a Constituency or part of a Constituency.

Preparation of list of persons qualified to vote.

12. (1) There shall be prepared, every year, by the Commissioner a list of voters for every constituency hereinafter referred to as constituency list in which shall be included the names of all persons appearing to be entitled to be included therein. It shall be published in the constituency together with notice specifying the mode in which and the time within which claims for inclusion in the constituency list or objections to any names or particulars entered in the list are to be preferred.

(2) For the purpose of preparing the constituency list the Commissioner may employ such persons as he may think fit.

(3) Every person shall be entitled to have his name included in the constituency list if he is entitled to be included in such list under the provisions of this Act.

(4) The constituency list for each constituency shall be prepared in such form and in such language or languages as the Government may direct.

(5) The Commissioner may divide a constituency into electoral areas for the purpose of facilitating the preparation of the constituency list and so much of the list as relates to an electoral area may be separately prepared.

(6) The Commissioner may before preparing the list, by notice in writing call upon every owner of a building to furnish him with a list of all tenants who resided or occupied such buildings.

(7) The Commissioner may also call upon by notice in writing any occupier of any building or every person to furnish such information as he may consider necessary for preparation of the constituency list.

(8) For the purpose of the preparation of any constieuency list or for the determination of any claim or objection to any constituency list the Commissioner, a person employed by him for this purpose, and any Revising Authority shall have access to any register of births and deaths maintained under any law for the time being in force and it shall be the duty of every person in charge of any such register to give such officer or authority information and such extracts from the said register as he may require.

(9) Every constituency list shall be published by the Commissioner in a conspicuous position on every muni-

cipal office and at such other places as the Commissioner may fix.

(10) (a) Simultaneously with the publication of the constituency list under sub-section (9) notice shall be published in like manner in form (1) of Schedule A calling upon persons entered in the list to lodge in the manner herein specified any objection they may have to make to the list as published and calling upon persons claiming to be entered on the list to lodge their claim in the manner herein specified. Such notice shall specify for each constituency or electoral area the Revising Authority to whom and the place at which and the time referred to in clause (b) of this sub-section within which any such claim or objection may be preferred.

(b) Every such claim or objection shall be made in Form 2, or Form 3 of Schedule 'A', whichever may be appropriate, within a period of 21 days from the date of the publication of the constituency list under sub-section (9):

Provided that the Government may, by notification in the Official Gazette, extend in respect of any constituency or part of a constituency the said period of 21 days by such period as it may deem fit.

(c) A claim or objection shall be addressed to the Revising Authority and shall either be presented to the Revising Authority specified in the notice referred to in clause (b), or, to the Commissioner or to such other officer as may be designated in that behalf by the Government within the period specified in or under clause (b) or be sent by post to the Revising Authority as to reach him within the said period.

(d) A claim or objection which is not lodged within the period specified in or under clause (b), or is lodged otherwise than in the manner herein specified or by a person not entitled to lodge the same, shall be rejected.

(11) (i) A claim shall be signed either by the person desiring his name to be included in a constituency list or by an agent authorised in writing by such person and, unless it is sent by post, shall be presented either by such person personally or by such agent.

(ii) When objection is made to the inclusion in the constituency list of any person whose name appears therein, or to any particular in any entry in the list,

such objeciton shall contain in respect of such person or entry, as the case may be, all the particulars entered in the list.

(iii) No person shall prefer an objection to the inclusion of any name in a constituency list unless his name is already included in that constituency list.

(iv) No application for the transfer of a name from a constituency list to another constituency list shall be entertained. If any person desires such a transfer, he shall prefer an objection to the inclusion of his name in the former list, and second and separate claim for the registration of his name in the latter list.

(12) (i) The Commissioner may within the period specified in or under clause (b) of sub-section (10) make an application to the Revising Authority specified in the notice referred to in clause (a) of that sub-section for the inclusion in or the exclusion from a constituency list of the names of any person.

(ii) The Commissioner shall, within the period specified in or under clause (b) of sub-section (10) make an application to the Revising Authority specified in the notice referred to in clause (a) of that sub-section for the making of any corrections in the constituency list such as, the removal of duplicate entries or the expunging of the names of persons who are dead or subject to any legal incapacity which he cosiders necessary for the preparation of a complete and accurate list.

(iii) The Revising Authority shall serve on each of the persons affected by the application made under clause (i) or clause (ii), a notice specifying in the case of an application under clause (i) the grounds on which the inclusion or exclusion of the name has been desired, and specifying in the case of an application under clause (ii) the correction which it is proposed to make in the list, and every such notice shall also specify the place where, and the time when, objection to the application so made will be heard:

Provided that no such notice shall be served where the Revising Authority is **prima facie** satisfied that the application should be granted, or where the application is one for the correction of a clerical or printing error.

(13) A register of claims and objections shall be maintained by the Revising Authority, the Commissioner and other Officers authorised to receive claims and objections under clause (c) of sub-section (10).

(14) (i) Except in the case where the Revising Authority is **prima facie** satisfied as to the validity of a claim, every person whose claim or objection is recived in time shall be served with a notice in Form 4 or Form 5 of Schedule A by the Revising Authority, specifying the place where, and the time when, his claim or objection will be heard, and directing him or his agent to be present with such evidence as he my wish to adduce.

(ii) When objection is made by any person to the inclusion of the name of any other person in a constituency list the Revising Authority shall, except in the case where such authority is **prima facie** satisfied as as to the validity of the objection, serve on such other person a notice in Form 6 of Schedule A giving the grounds on which the inclusion of his name has been objected to, and requiring such person or the agent of such person to attend at the place and the time fixed for the hearing of the objection.

(15) Subject to such instructions as may from time to time be issued in this behalf by the Government, a Revising Authority to whom any claim or objection has been preferred or before whom any claim or objection is pending for disposal, may transfer such claim or objection for disposal to any other Revising Authority competent to perform such duties and having jurisdiction in the electoral area to which the Constituency list in respect of which such claim or objection has been preferred relates, and the Revising Authority to whom any claim or objection has been so transferred shall proceed in accordance with the provisions of these rules and dispose of such claim or objection.

(16) Every notice issued by the Revising Authority shall, if possible, be served personally, and in default of personal service, shall be served by registered post or by affixing a copy thereof at the residence or the last known residence within the constituency of the person concerned. A certificate of service, either personal or otherwise, shall be deemed to be conclusive proof of the fact of such service.

(17) The Revising Authority shall hold a summary inquiry into the claim or objection preferred and shall record his decision. He shall also, after considering any verbal or written objections that may be preferred decide on any application made by the Commissioner under clause (i) or clause (ii) of sub-section (12) for the inclu-

sion or exclusion of any name in or from the Constituency list or for corrections to the list. For the purpose of the inquiry the list as published under sub-section (9) shall be presumed to be correct.

(18) (i) The decisions of the Revising Authority shall be final. Every such decision shall be communicated to the Commissioner, who shall cause the constituency list to be amended in accordance therewith.

(ii) The Revising Authority shall also direct the Commissioner to correct any clerical or printing errors which the Revising Authority may, himself discover in the list. The Commissioner also may, at any time before the final publication of the constituency list under sub-section (19) either himself correct any clerical or printing error which he may discover in the constituency list or cause such corrections to be made in the list by any person employed by him under sub-section (2).

(19) The constituency list so amended shall be republished in the manner specified in sub-section (9) and where it is the list first prepared under this Act shall come into force upon its republication under this sub-section and where it is the list subsequently prepared under this Act, shall come into force on the 1st day of October immediately succeeding such republication:

Provided that if for any reason the constituency list for any constituency or part of a constituency is in any year not republished before the 1st day of October, the list shall come into force immediately upon its republication and until the day on which it is so republished the list which was in force immediately before the said 1st day of October shall continue in force as the list for that constituency.

Revision of constituency list.

13. Notwithstanding anything contained in sub-sections (1) and (19) of section 12—

(1) the Government may at any time, for reasons to be recorded in writing, direct the revision in the manner hereinafter appearing of the list of any constituency or part of a constituency, and when a list containing any additions to, omissions from or alterations in the list, as a result of such revision has been finally published the list shall be deemed to have been revised accordingly;

(2) The Commissioner, on application made to him for the correction of an existing entry in the list of the

constituency for the time being in force shall, if he is satisfied after such inquiry as he thinks fit that the entry relates to the applicant and is erroneous or defective in any particular, amend, or cause the list to be amended, accordingly;

(3) When the Government directs the revision of the list of any constituency under sub-section (1) the list shall be revised by the preparation of a list containing additions to, omissions from, or alterations in, such list, and all the provisions of this Act shall apply in the case of every such list in like manner as they apply in the case of constituency list:

Provided that the Government may direct such modification in any of the specified forms as it may consider necessary for the purpose of such revision.

(4) Any person whose name is not included in the list of a constituency for the time being in force and who is entitled to be included therein may, at any time after the list is finally published and before the constituency is called upon to elect, apply to the Government for an amendment of the list by the inclusion of his name therein, and if the Government is satisfied, after such notice and such inquiry as it thinks fit, that the applicant is entitled to be included therein, the Government may direct the amendment of the list by inclusion therein of an entry relating to the applicant:

Provided that an application under this sub-section shall not be entertained if it is not accompanied by the prescribed fee which shall in no case be refunded.

(5) When any list is republished under sub-section (3) or a direction is issued under sub-section (4) the constituency list to which such list or direction relates shall be deemed to have been revised accordingly.

Striking off of names of persons disqualified for voting and reinstatement of such names after removal of such disqualification.

14. (1) If the disqualification for voting incurred by any person whose name has by reason thereof been struck off, the constituency list under sub-section (2) of section 10 be removed during the period and the said list is in force under sub-section (19) of section 12 the name of such person shall forthwith be reinstated in that list.

(2) The Commissioner shall make the correction referred to in sub-section (2) of section 10 or the reinstatement referred to in sub-section (1) in such number of copies of the constituency list in his custody as may be

specified under sub-section (3) of section 16 and shall also in every case cause such correction or reinstatement to be made forthwith in all other copies. Every correction or reinstatement so made or caused to be made in a constituency list shall be initialled and dated by the person who makes the correction or reinstatement, and the constituency list in which such correction or reinstatement is made shall thereupon be deemed to have been amended accordingly.

Annual preparation of the constituency list.

15. (1) After the constituency lists first prepared under this Act have been republished under sub-section (19) of section 12, the Government may, for the purpose of any subsequent annual preparation of a list for any constituency under sub-section (1) of section 12 direct the preparation of a list of amendments to the list for such constituency for the time being in force for its publication under sub-section (9) of section 12 and the provisions of sub-sections (1) to (9) of section 12 (both inclusive) shall so far as they are applicable apply in the case of such preparation of the list, in like manner as they apply in the case of the preparation of a constituency list.

(2) When any such list of amendments to a list for a constituency has been so prepared, the list for such constituency for the time being in force together with the list of amendments thereto so prepared, shall be published under sub-section (9) of section 12 and shall be deemed to be the list prepared for that constituency, and the provisions of sub-sections (10) to (19) of section 12 (both inclusive) shall so far they are applicable apply in the case of every such list (including the list of amendments) in like manner as they apply in the case of the constituency list first prepared under this Act.

(3) When a list of amendments is prepared for any constituency under the foregoing provisions of this section, it shall not be necessary to reprint the entire list but the list of amendments only need be printed:

Provided that the Government may, if it deems it expedient so to do, direct that the entire constituency list along with the list of amendments shall be printed as a single list.

Custody & preservation of list.

16. (1) Three complete copies of the preliminary list for each constituency and all statements submitted to the Commissioner be kept in the office of the Commissioner

or at such other place as the Government may by order specify for a period of one year unless their retention for a longer period is ordered by the Government.

(2) All claims and objections to any preliminary list and, the decisions of the Revising Authority thereon shall be kept in the office of the Commissioner or at such other place as the Government may by order specify until the completion of the next annual preparation of the list for such constituency.

(3) Such number of copies of the final list for each constituency as may be specified by the Government shall be kept in the office of the Commissioner or at such other place as the Government may by order specify until the final publication of the next list for such constituency.

(4) One complete copy of the final list for each constituency shall be kept for permanent deposit in such place as the Government may by order specify.

(5) All copies of the final list for each constituency deposited under sub-section (3) or the copy of the final list for each constituency deposited under sub-section (4) shall before deposit be duly authenticated by the Commissioner or any officer authorised by him in this behalf.

(6) Printed copies of the final constituency list as deposited shall be available for sale to the public until the final publication of the next list for the constituency to which it relates and thereafter such list may be disposed of in such manner as the authority with whom they are deposited may direct.

(7) Every person shall have a right to inspect the papers referred to in sub-sections (1), (2) and (3) and to get attested copies thereof on payment of such fees as may be fixed by the Government.

Corrupt Practices.

17. The following shall be deemed to be corrupt practices in connection with elections held under this Act:— **Major corrupt practices.**

(1) Bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, or any gratification to any person whomsoever, with the object, directly or indirectly, of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election; or

(b) a voter to vote or refrain from voting at an election, or as a reward to—

(i) a person for having so stood or for having withdrawn his candidature; or

(ii) a voter for having voted or refrained from voting.

Explanation.—For the purposes of this clause the term 'gratification' is not restricted to pecuniary gratifications or gratifications estimable in money, and it includes all forms of entertainment and all forms of employment for reward; but it does not include the payment of any expenses bona fide incurred at, or for the purpose of, any election and duly entered in the return of election expenses.

(2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candlidate or his agent, or of any other person with the connivance of the candidate or his agent, with free exercise of any electoral right:

Provided that—

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who—

(i) threatens any candidate, or any voter, or any person in whom a candidate or a voter is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(ii) induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure, shall be deemed to interfere, with the free exercise of the electoral right of such candidate or voter within the meaning of this clause;

(b) a declaration of public policy, or a promise of publication, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

(3) The procuring or abetting or attempting to procure by a candidate or his agent, or any other person with the connivance of a candidate or his agent, the application by a person for a ballot paper in the name of

any other person whether living or dead, or in a fictious name, or by a person for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

(4) The removal of a ballot paper from the polling station during polling hours by a candidate or his agent, or by any other person with the connivance of a candidate or his agnet.

(5) The publication by candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of a fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6) The hiring or procuring, whether on payment or otherwise, of any vehicle by a candidate or his agent or by any other person with the connivance of a candidate or his agent, for the conveyance of any voter other than the candidate himself, the members of his family or his agent to or from any polling station or a place fixed for the poll:

Provided that the use of any public transport vehicle or railway carriage by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

(7) The incurring or authorisation by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of this Act or of any rule made thereunder.

(8) The obtainnig or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the connivance of a candidate or his agent, any assistance for the furtherance of the prospects of the candidate's election from any person, serving under the Government of India or the Government of Hyderabad other than the giving of vote by such person.

Explanation.—For the purpose of this section—

(a) a person serving under the Government of India or the Government of Hyderabad shall not include

a person who has been declared by the Central Government or, as the case may be, the State Government to be a person to whom, the provisions of this Clause shall not apply;

(b) a person shall be deemed to assist in the furtherence of the prospects of a candidate's election if he acts as an election agent or a polling agent or a counting agent of the Candidate.

Minor corrupt practices.

18. The following shall also be deemed to be corrupt practices in connection with elections held under this Act:—

(1) Any act specified in clauses (1) to (8) of section 17, when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

(2) The application by a person at an election for ballot paper in the name of any other person, whether living or dead, or in a fictitious name, or for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

(3) The receipt of, or agreement to receive, any gratification whether as a motive or a reward—

(a) by a person for standing or not standing as, or withdrawing from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any voter to vote or refrain from voting or any candidate to withdraw his candidature.

Explanation.—For the purposes of this clause the term 'gratification' has the same meaning as is assigned to it in clause (1) of section 17.

(4) The making of any return of election expenses which is false in and material or particular, or the making of a declaration verifying any such return.

(5) The systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious and national symbols, such as, the national flag and the national emblem, for the furtherance of the prospects of a candidate's election.

Illegal practices.

19. The following shall be deemed to be illegal practices for the purposes of this Act:—

(1) The incurring or authorisation by any person other than a candidate or his agent of expenses on account of holding any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing so to do by the candidate.

Explanation.—Any such expenses as aforesaid incurred or authorised by any institution or organisation for the furtherance of the prospects of the election of a candidate supported by such institution or organisation shall not be deemed to be expenses incurred or authorised within the meaning of this clause.

(2) The hiring, using or letting, for the purpose of any meeting to which voters are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

(3) The issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

Disqualification for voting, for being and continuing as a Councillor.

Disqualification for voting.

20. (1) Any person who has been convicted under section 171-E or 171-F of the Indian Penal Code shall for five years from the date of such conviction be disqualified from voting at any election of the Corporation.

(2) Any person who has been found guilty of any corrupt or illegal practice in elections held under this Act, or any other law for the time being in force, shall be disqualified from voting at any election of the Corporation for a period of six or four years respectively from the date on which the person is found so guilty.

(3) If default is made in making the return of the election expenses of any candidate who has contested the election held under this Act or if such return is found either upon the trial of an election petition or by any court in a Judicial proceeding, to be false in any material particular, the candidate shall be disqualified for voting at any election of the Corporation for a period of five years from the date by which the return was required to be lodged.

(4) Any disqualification under sub-sections (1), (2) and (3) may be removed by Government for reasons to be recorded in writing:

Provided that any removal of disqualification under this sub-section shall not qualify a person to vote or to be elected as a councillor in any by-election held during the period for which, but for such disqualification he would have been continued as a Councillor.

Qualification for being elected as a Councillor.

21. (1) Subject to the provisions of this Act a person who is registered in any constituency list shall be qualified to be elected as a Councillor for any of the constituencies in the city.

(2) Any person who ceases to be a Councillor shall if qualified, under sub-secton (1) and not otherwise disqualified be eligible for re-election as such.

Disqualification for being a Councillor.

22. (1) Subject to the provisions of this Act, a person shall be disqualified for being elected as a Councillor if such person is at the date of election—

(a) One who has been sentenced by any Court to imprisonment or for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted or altered to transportation or imprisonment:

Provided that, on the expiry of such sentence the disqualification incurred under this clause shall cease;

(b) is of unsound mind and stands so declared by a competent Court, a deaf-mute or a leper;

(c) holds any office or place of profit under Government or under the Corporation or under any local authority;

(d) is an undischarged insolvent;

(e) holds any judicial office with jurisdiction within the limits of the city;

(f) is employed as paid legal practitioner on behalf of the Corporation, or accepts employment as legal practitioner against the Corporation;

(g) having been a legal practitioner he has been dismissed or is under suspension by order of the **High Court** on any of the following grounds; the disqualification in the latter case being operative during the period of suspension:—

(i) a criminal offence implying a moral defect of character,

(ii) being guilty of fraudulent conduct.

(h) Subject to the provisions of sub-section (2) has directly or indirectly, by himself or his partner or if he belongs to a Joint Hindu Family, by any member of such family, any share or interest in any contract or has employment with, by or on behalf of the Corporation;

(i) has been dismissed from the service of the Government, Corporation or any local authority for misconduct and has been declared by a competent authority to be not eligible for further employment in the public service;

(j) having contested the election under this Act as a candidate, has failed to lodge a return of election expenses within the time and in the manner prescribed unless five years have elapsed from the date by which it ought to have been lodged or the Government have removed the disqualification;

(k) had been disqualified for voting under section 20, unless such period has elapsed for which he was disqualified for voting.

(2) A person shall not be deemed to have incurred disqualification under clause (h) of sub-section (1) by reason only of his—

(a) receiving pension from the Corporation;

(b) having any share or interest in—

(i) any lease, sale, exchange or purchase of land or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Corporation is inserted;

(iv) any Joint Stock Company or any Society registered or deemed to be registered under the Hyderabad Co-operative Societies Act, 1952 which shall contract with or be employed by the Commissioner on behalf of the Corporation;

(v) the occasional sale to the Commissioner on behalf of the Corporation of any article in which he regularly trades to a value not exceeding in the aggregate in any financial year rupees five thousand; or

(vi) the occasional letting out on hire to or hiring from the Corporation of any article for an amount not exceeding in the aggregate in any financial year rupees one thousand.

(c) occupying as a tenant for the purpose of residence any premises belonging to the Corporation.

Disqualification for continuing as councillor.

23. (1) A Councillor shall cease to be a Councillor if he—

(a) is or becomes subject to any of the disqualifications specified in section 22;

(b) ceases to reside in the City;

(c) fails to pay arrears of any kind due by him, otherwise than in a fiduciary capacity, to the Corporation, within three months from the date of service of a notice requiring payment thereof issued by the Commissioner, which it shall be his duty to issue and cause to be served at the earliest convenient date;

(d) absent himself at more than three consecutive meetings of the Corporation unless leave so to absent himself, which shall not exceed six months, had been granted by the Corporation or absents himself for over six consecutive months from meetings of the Corporation:

Provided that no meeting from which a Councillor absents himself shall be counted against him under this clause, if due notice of that meeting was not given to him.

Explanation.—A special meeting held under clause (d) of sectioin 88 and a meeting called upon written requisition under clause (h) of section 88 shall not be deemed to be a meeting within the meaning of this clause.

(2) When a Councillor ceases to be a Councillor under clause (d) of subsection (1), the Commissioner shall at once intimate the fact in writing to such Councillor and report the same to the Corporation at its next meeting. If such Councillor applies for restoration of office to the Corporation on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Corporation may at the meeting next after the receipt of such application or **suo moto** at the said meeting restore him to his office as Councillor:

Provided that a Councillor shall not be so restored more than twice during his term of office.

Conduct of Elections.

Notification to call upon constituencies.

24. For the purpose of holding elections under this Act the Government shall by one or more notifications published in the Official Gazette, on such date or dates as may be recommended by the Commissioner call upon all the constituencies to elect councillors in accordance with the provisions of this Act and of rules and orders made thereunder, before such date or dates as may be specified in the said notification or notifications:

Provided that for the purpose of holding election under sub-section (1) of section 7 no such notification shall be issued at any time earlier than four months prior to the day for retirement of the Councillors.

Returning Officer for each constituency.

25. For each constituency there shall be a Returning Officer who shall be such officer as the Commissioner may, with the approval of the Government, designate or nominate:

Provided that nothing in this section shall prevent the Commissioner from designating or nominating the same officer to be Returning Officer for more than one constituency.

Assistant Returning Officer.

26. (1) The Commissioner with the approval of Government may appoint one or more officers to assist any Returning Officer in the performance of his functions.

(2) Every Assistant Returning Officer shall, subject to the control of the Returning Officer, be competent to perform all or any of the functions of the Returning Officer:

Provided that no Assistant Returning Officer shall perform any of the functions of the Returning Officer which relate to the acceptance of a nomination paper or to the scrutiny of nominations or to the counting of votes unless the Returning Officer is unavoidably prevented from performing the said function.

Returning Officer to include Assistant Returning Officers performing the functions of the Returning Officer.

27. Reference in this Act to the Returning Officer shall, unless the context otherwise requires, be deemed to include an Assistant Returning Officer performing any function which he is authorised to perform under sub-section (2) of section 26.

General duty of the Returning Officer.

28. It shall be the general duty of the Returning Officer at any election held under this Act to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and rules or orders made thereunder.

Provision of polling stations for constituencies.

29. The Returning Officer for each constituency shall, with the previous approval of the Commissioner, provide a sufficient number of polling stations for such constituency, and shall publish in such manner as the Commissioner may direct, a list showing the polling stations so provided and the polling areas for which they have respectively been provided.

Appointment of presiding officers for polling stations.

30. (1) The Returning Officer shall appoint a presiding officer for each polling station and such polling officer or officers as he thinks necessary, but he shall not appoint any person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election:

Provided that if a polling officer is absent from the polling station, the presiding officer may appoint any person who is present at the polling station other than a person who has been employed by or on behalf of, or has been otherwise working for, a candidate in or about the election, to be the polling officer during the absence of the former officer, and inform the Returning Officer, accordingly.

(2) A polling officer shall, if so directed by the presiding officer, perform all or any of the functions of a presiding officer under this Act or any rules or orders made thereunder.

(3) If the presiding officer, owing to illness or other unavoidable cause is obliged to absent himself from the polling station, his functions shall be performed by such polling officer as has been previously authorised by Returning Officer to perform such functions during any such absence.

(4) References in this Act to the presiding officer shall, unless the context otherwise requires, be deemed to include any person performing any function which he is authorised to perform under sub-section (2) or sub-section (3), as the case may be.

General duty of the Presiding Officer.

31. It shall be the general duty of the presiding officer at a polling station to keep order thereat and to see that the poll is fairly taken.

Duties of a polling officer.

32. It shall be the duty of the polling officer at a polling station to assist the presiding officer for such station in the performance of his functions.

Appointment of dates of nominations, etc.

33. As soon as the notification calling upon a constituency to elect a Councillor or Councillors is issued under this Act, the Commissioner shall, by notification in the Official Gazette, appoint—

(a) the last date for making nominations, which shall be a date not later than the tenth day after the date of publication of the first mentioned notification not earlier than the fourth day after the date of publication of the notification under this section;

(b) the date for the scrutiny of nominations, which shall be a date note later than the third day after the last date for making nomination;

(c) the last date for the withdrawal of candidatures, which shall be not earlier than the third day after the date for the scrutiny of nominations; and

(d) the date or dates on which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the twelfth day after the last date for the withdrawal of candidatures.

Symbols.

34. The Commissioner shall as soon as may be after issue of notification under section 33 by a notification in the Official Gazette, publish a list of symbols and may in like manner add to or vary such list.

Public notice of election.

35. On the issue of a notification under section 33 the Returning Officer for the constituency shall give public notice of the intended election in Form 7 of Schedule A inviting nominations of candidates for such elections and specifying the place at which the nomination papers are to be delivered. The aforesaid notice shall subject to any general or special directions issued in that behalf by Government be published in such manner, in such language or languages and in such places as the Returning Officer thinks fit.

Presentation of nomination paper and requirements for a valid nomination.

36. (1) On or before the date appointed under clause (a) of section 33 each candidate shall, either in person or by his proposer between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued under section 34 a nomination

paper in Form 8 of Schedule A and subscribed by the candidate himself as assenting to the nomination and by the person referred to in sub-section (2) as proposer.

(2) Any person whose name is registered in the constituency list and who is not subject to any disqualification mentioned in section 10 may subscribe as proposer as many nomination papers as there are vacancies to be filled but no more:

Provided that if the name of a person is entered more than once in a constituency list or is included in two or more constituency lists of the same class, such person shall not be entitled to subscribe as proposer more than one nomination paper for each vacancy to be filled in that constituency or in not more than one of such constituencies of the same class.

(3) Every nomination paper delivered under sub-section (1) shall be accompanied by such declarations as may be prescribed and no candidate shall be deemed to be duly nominated unless all such declarations are delivered along with the nomination paper:

Provided that in a constituency, where any seat is reserved for Scheduled castes a candidate shall not be deemed to be qualified to be chosen to that seat unless his nominatiton paper contains a declaration by him specifying the particular caste of which he is a member and the area in relation to which, that caste is a Scheduled Caste.

(4) Every nomination paper delivered under sub-section (1) shall be also accompanied by a declaration in writing specifying the particular symbol which the candidate has chosen for his first preference out of the list of Symbols for the time being in force and also specifying two other symbols out of that list which he has chosen for his second and third preference respectively:

Provided that the choice to be made by a candidate under this section shall be subject to such restrictions as the Commissioner may think fit to impose in this behalf.

(5) Any nomination paper which is not received before three o'clock in the afternoon on the last date appointed under clause (a) of section 33 shall be rejected.

(6) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and serial numbers of the candidate and his proposer as

entered in the nomination paper are the same as those entered in the constituency list of the constituencies:

Provided that the Returning Officer may—

(a) permit any clerical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the constituency list; and

(b) where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

(7) If at the time of the presentation of the nomination paper the Returning Officer finds that the name of the candidate is not registered in the list of the constituency for which he is the Returning Officer, he shall for the purposes of sub-section (5) require the person presenting the nomination to produce either a copy of the constituency list of the constituency or constituencies for which he is the Returning Officer, or he shall for the purposes of sub-section (6) require the person presenting the nomination paper to produce either a copy of the Constituency List in which the name of the candidate is included or a certified copy of the relevant entries in such list.

(8) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper for election in the same constituency.

Deposits.

37. (1) A candidate shall not be deemed to the duly nominated unless he deposits or causes to be deposited a sum of rupees one hundred :

Provided that—

(a) where the candidate is a member of any of the Scheduled Castes, the amount to be deposited by him or on his behalf shall be rupees fifty only,

(b) where a candidate has been nominated by more than one nomination paper for election in the same constituency, not more than one deposit shall be required of him under this sub-section.

(2) Any sum required to be deposited under sub-section (1) shall not be deemed to have been deposited under that sub-section unless at the time of delivery of the nomination paper under sub-section (1) of section 36 the candidate has either deposited or caused to be deposited that sum with the Returning Officer in cash or enclosed with the nomination paper a receipt showing that

the said sum has been deposited by him or on his behalf in the Hyderabad State Bank or in a Government Treasury.

Notice of nominations and the time and place for their scrutiny

38. The Returning Officer shall, on receiving the nomination paper under sub-section (1) of section 36, inform the person or persons deilvering the same, of the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on, and the hour at, which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the person who has subscribed the nomination paper as proposer.

scrutiny nominations.

39. (1) On the date fixed for the scrutiny of nominations under section 33, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint, and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 36.

(2) The Returning Officer shall then examine the nomination paper and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own motion, after such summary inquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(a) that the candidate is not qualified to be elected under this Act; or

(b) that the candidate is disquailfied for being elected under this Act; or

(c) that a proposer is disqualified from subscribing a nomination paper under sub-section (2) of section 36; or

(d) that there has been any failure to comply with any of the provisions of section 36 or section 37; or

(e) that the signature of the candidate or any proposer is not genuine or has been obtained by fraud.

(3) Nothing contained in clause (c), clause (d) or clause (e) of sub-section (2) shall be deemed to authorise the rejection of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.

(4) The Returning Officer shall not reject any nomination paper on the ground of any technical defect which is not of substantial character.

(5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 33 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by causes beyond his control:

Provided that in case an objection is made the candidate concerned may be allowed time to rebut it not later than the next day but one following the date fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

(6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.

(7) For the purposes of this section a certified copy of an entry in the Constituency List for the time being in force, shall be conclusive evidence of the fact that the person referred to in that entry is a voter for that Constituency unless it is proved that he is subject to a disqualification mentioned in section 10.

(8) Imediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall, prepare a list of validly nominated candidates, that is to say, candidates whose nominations have been found valid, and affix the same to his notice board.

Withdrawal of candidature.

40. (1) Any candidate may withdraw his candidature by a notice in writing which shall contain such particulars as are contained in Form 9 of Schedule A and shall be subscribed by him and delivered before three o'clock in the afternoon on the day fixed under clause

(c) of section 33 to the Returning Officer either by such candidate in person or by his proposer or election agent who has been authorised in this behalf in writing by such candidate:

Provided that if that day is a public holiday or has been notified by the Government as a day to be observed as a holiday in Government offices in the State, the notice of withdrawal of candidature shall be considered as having been delivered in due time if it is delivered before three o'clock in the afternoon on the next succeeding day which is neither such a public holiday nor a day so notified.

(2) No person who has given a notice of withdrawal of his candidature under sub-section (1) shall be allowed to cancel the notice.

(3) The Returning Officer shall, on receiving a notice of withdrawal under sub-section (1), as soon as may be thereafter, cause a notice of the withdrawal to be affixed in some conspicuous place in his office.

Publication of list of contesting candidates.

41. (1) Immediately after the expiry of the period within which candidatures may be withdarwn, the Returning Officer shall prepare and publish in such form and manner as may be prescirbed a list of contesting candidates, that is to say, candidates who were included in the final list of validly nominated candidates and who have not withdrawn their candidature within the said period.

(2) The said list shall contain the names in alphabetical order and the addresses of the contesting candidates as given in the nomination papers together with such other particulars as may be prescribed.

Appeals from decisions of Returning Officers.

42. (1) An appeal shall lie to the Judge as herein provided from any decision of a Returning Officer accepting or rejecting a nomination paper.

(2) Any candidate aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper may present an appeal therefrom to the Judge within a period of seven days from the date of publication of the list of validly nominated candidates:

Provided that such candidate has, not later than 3 o'clock in the afternoon of the day next following the said date, given the Returning Officer a notice in writing of his intention to appeal under this section.

(3) If one or more notices has or have been received in accordance with the proviso to sub-section (2), the Returning Officer shall, immediately after the expiry of the time mentioned in that proviso,—

(a) publish the notices by affixing to his notice board one copy of each of the notices, together with an intimation in the prescribed form that the hearing of the appeals, if any, presented in pursuance of those notices shall commence before the Judge on the tenth day after the date of such publication; and

(b) send to the Judge a copy of each of the notices, the intimation referred to in clause (a) and the ilst of validly nominated candidates.

(4) The Returning Officer shall, on application made by or on behalf of a candidate, supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(5) In every appeal under this section, the appellant shall join as the respondents all the candidates (other than himsefl) whose nominations have been accepted by the Returning Officer.

(6) The intimation affixed to the notice board of the Returning Officer under clause (a) of sub-section (3) shall be deemed to be sufficient notice, both of the presentation of an appeal under this sction and of th date on which the hearing thereof shall commence before the Judge, and it shall not be necessary to give any other notice to the appellants or the respondents and the appeal or appeals shall be deemed to have been fixed for peremtory hearing on the said date.

(7) Every appeal under this section shall be heard and decided **dein diem** and disposed of by the Judge as expeditiously as possible, and his decision shall be communicated forthwith to the Returning Officer.

(8) Where one or more notices of intention to appeal has or have been given to Returning Officer, but no appeal is presented within the period specified in sub-section (2) the Judge shall immediately intimate that fact to the Returning Officer in the prescribed form.

(9) In every case where one or more notices of intention to appeal has or have been given to the Returning Officer, he shall, upon receipt of the communications of the Judge referred to in sub-sections (7) and (8), republish by affixing to his notice board the list of validly

nominated candidates after revising it, if necessary, in conformity with the decisions of the Judge.

(10) The decision of the Judge on appeal under this section, and subject only to such decision, the decision of the Returning Officer accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any Court or Tribunal, including an Election Tribunal.

Appointment of election agents.

43. (1) Every person nominated as a candidate at an election may before the delivery of his nomination paper under sub-section (1) of section 36 appoint in writing some other person to be his election agent.

(2) When a candidate appoints some person to be his election agent he shall obtain in writing the acceptance by such person of the office of such election agent.

Disqualification for being an election agent.

44. No person shall be appointed an election agent who is disqualified from being a Councillor under section 22.

Revocation of the appointment, or death, of an election agent.

45. (1) Any revocation of the appointment of an election agent, shall be signed by the candidate, and shall operate from the date on which it is lodged with the Returning Officer.

(2) In the event of such a revocation or of the death of an election agent whether that event occurs before or during the election or after the election but bfore the return of candidates' election expenses has been lodged in accordance with provosions of section 68, the candidate may appoint in the prescribed manner another person to be his election agent and when such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

Other functions of the election agents.

46. Every election agent shall perform such functions in connection with each election for which he is appointed election agent as are required to be performed by or under this Act by such agent.

Appointment of polling agents

47. A contesting candidate or his election agent may appoint in the prescribed manner such number or agents and relief agents of such candidate at each polling station at the place fixed and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

Appointment of counting agents.

48. A contesting candidate or his election agent may appoint in the prescribed manner one agent and no more to be present as his counting agent at the counting of votes, and when any such appointment is made, notice of the appointment shall be given in the prescribed manner to the Returning Officer.

Revocation of the appointment, or death, of a polling agent or counting agent.

49. (1) Any revocaton of the appointment of a polling agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer, and in the event of such a revocation or of the death of a polling agent before the close of the poll, the candidate or his election agent may appoint another polling agent at any time before the poll is closed and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.

(2) Any revocation of the appointment of a counting agent shall be signed by the candidate or his election agent and shall operate from the date on which it is lodged with the Returning Officer, and in the event of such a revocation or of the death of a counting agent before the commencement of the counting of votes, the candidate or his election agent may appoint in the prescribed manner another counting agent at any time before the counting of votes is commenced and shall forthwith give notice of such appointment in the prescribed manner to the Returning Officer.

Functions of polling agents and counting agents.

50. (1) A polling agent may perform such functions in connection with the poll as are authorised by or under this Act to be performed by a polling agent

(2) A counting agent may perform such functions in connection with the counting of votes as are authorised by or under this Act to be performed by a counting agent.

Candidate and his election agent to perform the functions of a polling agent or counting agent.

51. (1) At every election where a poll is taken, each candidate at such election and his election agent shall have a right to be present at any polling station provided under section 29 for the taking of the poll.

(2) A candidate or his election agent may himself do any act or thing which any polling agent or the counting agent of such candidate, if appointed, would have been authorised by or under this Act, to do, or may assist any polling agent or the counting agent of such candidate in doing any such act or thing.

Non-attendance of polling or counting agents.

52. Where any act or thing is required or authorised by or under this Act to be done in the presence of the polling or counting agents, the non-attendance of any such agent or agents at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Death of candidate before poll.

53. If a contesting candidate dies and a report of his death is received by the Returning Officer before the commencement of the poll, the Returning Officer shall, upon being satisfied of the fact of the death of the candidate, countermand the poll and report the fact to the Commissioner and all proceedings with reference to the election shall be commenced anew in all respects as if for a new election:

Provided that no further nomination shall be necessary in the case of a candidate whose nomination was valid at the time of the countermanding of the poll:

Provided further that no person who has under subsection (1) of section 40 given a notice of withdrawal of his candidature before the countermanding of the poll shall be ineligible for being nominated as a candidate for the election after such countermanding.

Procedure in contested and uncontested elections.

54. (1) If the number of contesting candidates is more than the number of seats to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be duly elected to fill those seats.

(3) If the number of such candidates is less than the number of seats to be filled, the Returning Officer shall forthwith declare all such candidates to be elected and the Commissioner shall, by notification in the Official Gazette, call upon the constituency to elect a person or persons to fill the remaining seat or seats before such date as may be appointed in this behalf by the Commissioner and specified in the notification.

Special procedure at elections in constituencies where seats are reserved for Scheduled Castes.

55. (1) If the number of contesting candidates qualified to be chosen to fill the reserved seats is equal to the number of such seats, all those candidates shall be forthwith declared to be elected to fill the reserved seats.

(2) If the number of contesting candidates qualified to be chosen to fill the reserved seats exceeds the number of such seats, but the total number of contesting candi-

dates is equal to the total number of seats to be filled, the Returning Officer shall first select by lot, to be drawn by him in such manner as he may determine, the candidates to be declared elected to the reserved seats out of the candidates qualified to be chosen to fill those seats and then declare the candidates so selected to be duly elected to fill the reserved seats and thereafter declare the remaining candidates to be duly elected to fill the remaining seats.

(3) If the number of contesting candidates qualified to be chosen to fill the reserved seats exceeds the number of such seats, and the total number of contesting candidates also exceeds the total number of seats to be filled, the procedure laid down in sub-section (1) of section 54 shall be followed; and after the poll has been taken, the Returning Officer shall first declare those who, being qualified to be chosen to fill the reserved seats, have secured the largest number of votes, to be duly elected to fill the reserved seats, and then declare such of the remaining candidates as have secured the largest number of votes to be duly elected to fill the remaining seats.

Illustration.—At an election in a constituency to fill four seats of which two are reserved there are six contesting candidates A, B, C, D, E and F, and they secure votes in descending order, A securing the largest number. B, C and D are qualified to be chosen to fill the reserved seats, while A, E and F are not so quailfied. The Returning Officer will first declare B and C duly elected to fill the two reserved seats, and then declare A and D (not A and E) to fill the remaining two seats.

(4) If the number of contesting candidates qualified to be chosen to fill the reserved seats is less than the number of such seats.—

(a) all those candidates shall be forthwith declared to be duly elected to fill reserved seats;

(b) the procedure laid down in section 54 shall be followed for filling the seats other than the reserved seats; and

(c) the Commissioner shall, by notification in the Official Gazette, call upon the constituency to elect a person or persons to fill the remaining reserved seat or seats before such date as may be appointed in this behalf by the Commissioner and specified in the notification.

(5) In this section, reference to candidates shall be construed as references to candidates who were duly nominated and who have not withdrawn their candidatures in the manner and within the time specified in sub-section (1) of section 40.

Eligibility of members of Scheduled Castes to non-reserved seats.

56. For the avoidence of doubt it is hereby declared that a member to the Scheduled Castes shall not be disqualified to hold a seat not reserved for members of these seats if he is otherwise qualified to hold such seats under this Act.

Fixing time for poll.

57. The Commissioner shall fix the hours during which the poll shall be taken; and the hours so fixed shall be published in the Official Gazette and in such manner as the Commissioner may direct:

Provided that the total period allotted on any one day for polling at an election in a constituency shall not be less than eight hours.

Adjournment of poll in emergencies.

58. (1) If at an election the proceedings at any polling station provided under section 29 are interrupted or obstructed by any riot or open violence, or if at an election it is not possible to to take the poll at any polling station or such place on account of any natural calamity, or any other sufficient cause, the presiding officer for such polling station or the Returning Officer presiding over such place, as the case may be, shall announce an adjournment of the poll to a date to be notified later, and where the poll is so adjourned by a presiding officer, he shall forthwith inform the Commissioner.

(2) Whenever a poll is adjourned under sub-section (1) the Commissioner shall immediately report the circumstances to the Government and shall, as soon as may be, with the previous approval of the Government, appoint the day on which the poll shall recommence and fix the polling station or place at which, and the hours during which, the poll will be taken, and shall not count the votes cast at such election until such adjourned poll shall have been completed.

(3) In every such case as aforesaid, the Commissioner shall notify, in such manner as the Government may direct the date, place and hours of polling fixed under sub-section (2).

Fresh poll in the Case of destruction, etc., of Ballot Boxes.

59. (1) If at any election any ballot box is unlawfully taken out of the custody of the Returning Officer or of any presiding officer, or is in any way tampered with, or is either accidently or intentionally destroyed or lost, the election to which such ballot box relates shall be void, but only in respect of the polling at the polling station or stations provided under section 29 at which such ballot box was used and no further:

Provided that where a polling station has more than one polling booth and any such ballot box as aforesaid was used at one of such polling booths, the election to which such ballot box relates shall be void only in respect of the polling at the polling booth at which such box was used and no further.

(2) Whenever the polling at any polling station or at any polling booth shall become void under sub-section (1), the Returning Officer shall, as soon as practicable after the act or event causing such voidance has come to his knowledge, report the matter to the Commissioner. The Commissioner, with the previous approval of the Government, shall appoint a day for the taking of a fresh poll in such polling station or in such polling booth, as the case may be, and fix the hours for the taking of such poll, and shall not count the votes cast at such election until such poll shall have been completed.

(3) In every such case as aforesaid the Returning Officer shall take a fresh poll in such polling station or in such polling booth as aforesaid on the day so appointed by him, and shall notify the day so appointed and the hours of polling so fixed by him in such manner as the Government may direct, and the provisions of this Act and of any rules or orders made thereunder shall apply to every such fresh poll as they apply to the original poll.

Manner of voting at elections.

60. At every election where a poll is taken vote shall be given by ballot in such manner as may be prescribed, and no votes shall be received by proxy.

Right to vote.

61. (1) No person whose name is not, and except as expressly provided by this Act, every person whose name is, for the time being, entered in the constituency list shall be entitled to vote in that constituency.

(2) No person shall vote at a general election in more than one constituency and if a person votes in more than one such constituency, his votes in all such constituen-

cies shall be void.

(3) No person shall at any election vote in the same constituency more than once, notwithstanding that his name may have been registered in that constituency list more than once, and if he does so vote, all his votes in that constituency shall be void.

(4) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or transportation or otherwise, or is in the lawfull custody of police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

Method of voting.

62. (1) In constituencies referred to in clause (b) of sub-section (1) of section 8 every voter shall have as many votes as there are councillors to be elected, but no voter shall give more than one vote to any one candidate.

(2) If a voter gives more than one vote to any one candidate in contravention of the provisions of sub-section (1), then, at the time of counting of votes not more than one of the votes given by him to such candidate shall be taken into account and all the other votes given by him to such candidate shall be rejected as void.

Counting of votes.

63. At every election where a poll is taken, votes shall be counted by, or under the supervision of the Returning Officer, and each candidate, his election agent and his counting agent, shall have a right to be present at the time of counting.

Equality of votes.

64. If, after the counting of the votes is completed, an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote.

Declaration of results.

65. When the counting of the votes has been completed, the Returning Officer shall forthwith declare the result of the election in the manner prescribed.

Report of the result.

66. As soon as may be after the result of an election has been declared, the Returning Officer shall report the result to the Commissioner who shall cause to be

published in the Official Gazette the declarations containing the names of the elected candidates.

Prohibition of simultaneous representation.

67. (1) If a person is elected by more than one constituency he shall, by notice in writing signed by him and delivered to the Commissioner within the prescribed time, choose any one of the constituencies which he shall serve and the choice shall be final.

(2) When any such choice has been made the constituency or the constituencies other than the constituency which such person has chosen to serve shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1), the election of such person shall be void and all the constituencies concerned shall be called upon to elect another person or persons.

Return of election expenses.

68. (1) Within 45 days of the publication of the result of the election in the Official Gazette under section 66 there shall be lodged with the Returning Officer in respect of a candidate who has contested the election, a return of the election expenses signed by him and his election agent, if any appointed.

(2) Every such return shall be in such form and shall contain such particulars as may be prescribed, and shall be accompanied by declarations in Form 10 of Schedule A by the candidate and his election agent, if any, made on oath or solemn affirmation before a magistrate.

(3) Notwithstanding anything in this section, where owing to absence from the city a candidate is unable to sign the return of election expenses and to make the required declaration, the return shall be signed and lodged by the election agent, if any, and shall be accompanied by a declaration by the election agent only, and the candidate shall, within fourteen days after his return to the city, cause to be lodged with the Returning Officer a declaration made on oath or solemn affirmation before a magistrate in such form as may be prescribed.

Maximum election expenses, etc.

69. The maximum scales of election expenses at elections and the accounts thereof and the numbers and descriptions of persons who may be employed for payment in connection with elections shall be such as may be prescribed.

Government may make rules for the conduct of elections.

70. (1) Subject to the provisions of this Act the Government may make rules for the preparation of constituency list and conduct of elections.

(2) In particular and without prejudice to the generality of the foregoing power, the Government shall make rules in respect of the following matters—

(a) The appointment of polling stations for each constituency;

(b) the appointment of polling officers and other persons to assist at the poll and for the remuneration of such polling officers and other persons for their services;

(c) the hours during which polling stations shall be open for the recording of votes;

(d) the printing and issue of voting papers;

(e) the checking of voters by reference to the municipal list of voters;

(f) the manner in which votes are to be given and in particular for the case of illiterate voters or of voters under physical or other disability;

(g) enabling a member of the Armed Forces of the Union to whom the provisions of clause (b) of Explanation to section 9 apply to give his vote by postal ballot;

(h) enabling any person subjected to preventive detention under any law for the time being in force to give his vote by postal ballot, and not in any other manner at an election in a constituency where a poll is taken, subject to the fulfilment of such requirements as may be prescribed;

(i) marking with indelible ink of the thumb or any other finger of every voter who applies for a ballot paper for the purposes of voting at a polling station before delivery of such paper to him and for prohibiting the delivery of any ballot paper to any person for voting at a polling station if at the time such person applies for such paper he has already such a mark on his thumb or any other finger so as to prevent personation of votes;

(j) the procedure to be followed in respect of challenged votes, or tender of votes by persons representing themselves to be electors, after other persons have voted as such electors;

(k) the scrutiny of votes;

(l) the safe custody of ballot papers and other elec-

tion papers, for the period for which such papers shall be preserved and for the inspection and production of such papers; and may make such other rules regarding the conduct of the elections as it thinks fit.

Presentation and trial of election petition.

Election petition.

71. (1) Subject to the provisions of section 42 no election held under this Act shall be called in question except by an election petition which shall be presented in such manner as may be prescribed.

(2) An Election petition calling in question any election may be presented on one or more of the grounds specified in clauses (i) and (ii) of section 79 and section 80 to the Election Tribunal by any candidate at such election or any voter, within two months from, but not earlier than the date of election of the returned candidate or if there are more than one returned candidate at the election and the dates of the election are different is the later of those two dates.

Patries to the petition.

72. A petitioner shall join as respondents to his petition.—

(a) Where the petitioner claims a declaration under clause (b) of section 74, all the contesting candidates other than the petitioner and in any other case all the returned candidates; and

(b) any other candidates against whom allegations of any corrupt or illegal practice are made in the petition.

73. (1) An election petition—

Contents of Petition.

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt or illegal practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt or illegal practice and the date and place of the Commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for the verification of pleadings.

(2) Any scheduled or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

Relief that may be claimed by the Petitioner.

74. A petitioner may claim any one of the following declarations :—

(a) that the election of the returned candidate is void ;

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected ;

(c) that the election as a whole is void.

Election Tribunal.

75. The Government shall appoint any person who is or has been or is eligible to be appointed Judge of the High Court as an Election Tribunal (hereinafter referred to as the "Tribunal") for tiral of petitions in respect of an election under this Act. This Tribunal shall deal with such petitions and proceedings in connection therewith in the prescribed manner.

Powers of the Tribunal.

76. The Tribunal shall have the powers which are vested in a court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters :—

(a) discovery and inspection ;

(b) enforcing the attendance of witnesses, and requiring the deposits of their expenses;

(c) compelling the production of documents ;

(d) examining witnesses on oath ;

(e) granting adjournments ;

(f) reception of evidence taken on affidavit; and

(g) issuing commissions for the examination of witnesses, and may summon and examine **suo motu** any person whose evidence appears to it to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal procedure, 1898 (V of 1898).

Decision of the Tribunal.

77. At the conclusion of the trial of an election petition, the Tribunal shall make an order—

(a) dismissing the election petition ; or

(b) declaring the election of the returned candidate to be void ; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected ; or

(d) declaring the election to be wholly void.

Other orders to be made by the Tribunal.

78. (1) At the time of making an order under section 77, the Tribunal shall also make an order—

(a) where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, recording—

(i) a finding whether any corrupt or illegal practice has or has not been proved to have been committed by or with the connivance of any candidate or his agent at the election, and the nature of that corrupt or illegal practice ; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any, corrupt or illegal practice and the nature of that parctice, together with any such recommendations as the Tribunal may think proper to make for the exemption of any person from any disqualification which he may have incurred in this connection under section 20 and in respect of any disqualification arising out of failure to lodge return of election expenses with reference to clause (1) of section 22;

(b) fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid :

Provided that no person shall be named in the order under sub-clause (ii) of claues (a) unless—

(i) he has been given notice to appear before the Tribunal and to show cause why he should not be so named ; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Tribunal and has given evidence against him, of calling evidence in his defence and of being heard.

(2) Any order as to costs under clause (b) of subsection (1) may include a direction for payment of costs to the Advocate-General, Government Pleader or any other Pleader attending the trial.

Grounds for declaring election to be void.

79. (1) If the Tribunal is of opinion that the election has not been a free election by reason that bribery, undue influence or group intimidation has extensively prevailed at the election, the tribunal shall declare the election as a whole to be void:

Provided that where at the election a candidate has been declared under sub-section (1) of section 55 to be elected to fill a reserved seat and the Tribunal is of opinion that bribery, undue influence or group intimidation prevailed only in regard to the election to fill the remaining seat, the Tribunal shall declare to be void, only the election of the returned candidate to fill that remaining seat.

Explanation.—In this section,—

(a) the expressions 'bribery' and 'undue influence' have the meanings given to them in section 17; and

(b) the expression 'group intimidation' means any interference or attempt to interference by a community, group or section with the free exercise by another community, group or section of the right to vote or refrain from voting by intimidation, coercion, social or economic boycott, threat of such boycott or other similar means.

(2) Subject to the provisions of sub-section (3), if the Tribunal is of opinion—

(a) that the election of a returned candidate has been procured or induced or the result of the election has been materially affected, by any corrupt or illegal practice; or

(b) that any corrupt practice has been committed by a returned candidate or his agent or by any other person with the connivance of a returned candidate or his agent; or

(c) that the result of the election has been materially affected by the improper reception or refusal of a vote or by the reception of any vote which is void, or by any non-compliance with the provisions of the Constitution or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to election, or by any mistake in the use of any prescribed from ;

(d) that on the date of his election a returned candidate was disqualified to be elected as a Councillor under this Act ;

the Tribunal shall declare the election of the returned candidate to be void.

(3) If in the opinion of the Tribunal, a returned candidate has been guilty, by an agent other than his elec-

tion agent, of any corrupt practice specified in section 18, but the Tribunal is satisfied that—

(a) no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the sanction or connivance of the candidate or his election agent;

(b) all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;

(c) the candidate and his election agent took all reasonable means for preventing the Commission of corrupt or illegal practices at the election; and

(d) in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents;

Then the Tribunal may decide that the election of the returned candidate is not void.

Grounds for which a candidate other than the returned candidate may be declared to have been elected.

80. If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Tribunal is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes; or

(b) that but for the votes obtained by the returned candidate by corrupt or illegal practices, the petitioner or such other candidate would have obtained a majority of the valid votes;

The Tribunal shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected.

Procedure in case of an equailty of votes.

81. If during the trial of an election petition it appears that there is an equailty of votes between any candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then—

(a) any decision made by the Returning Officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purpose of the petition; and

(b) in so far as that question is not determined by such a decision, the Tribunal shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

Communication of orders of the Tribunal and the transmission of the records of the case to the Commissioner.

82. The Tribunal shall send a copy of its orders made under Section 77 or 78, unless an appeal is preferred therefrom, in which case, a copy of the order of the High Court, along with the records of the case, to the Commissioner.

Appeal against order of the Tribunal.

83. An appeal from on order passed by the Tribunal under sections 77 and 78 shall lie to the High Court and shall be heard by a bench consisting of not less than two judges :

Provided that no such appeal shall be heard by the High Court unless it is filed within thirty days from the date of the order of the Tribunal.

Orders of the Tribunal to be final and conclusive.

84. Every order of the Tribunal made under this Act and unless an appeal is preferred therefrom to the High Court under section 83 shall be final and conclusive.

Orders when to take effect.

85. An order of the Tribunal under Section 77 or Section 78 shall take effect immediately after the expiry of the period of appeal unless an appeal is preferred therefrom, in which case the order of the High Court shall take effect as soon as it is pronounced.

Reference to the Election Tribunal.

86. (1) Whenever it is alleged that any person who has been elected as a Councillor is disqualified under section 20, sub-section (1) of section 21 or section 23 and such person does not admit the allegation, or whenever any Councillor is himself in doubt whether or not he has become disqualified for office under section 20 or sub-section (1) of section 21 or section 23, such Councillor or any other Councillor may, and the Commissioner shall, in acordance with the directions of the Corporation, apply to the Tribunal for a decision.

(2) The Tribunal after making such inquiry as it deems necessary, shall determine whether or not such person is disqualified under section 20, sub-section (1) of section 21 or section 23 and its decision shall be final.

(3) Pending such decision, the Councillor shall be entitled to act as if he were not disqualified.

87. (1) If at a general election of bye-election no Councillor is elected, a fresh election shall be held on such date as the Commissioner may fix in this behalf. Procedure when no councillor is elected.

(2) The term of office of a Councillor elected under sub-section (1) shall expire at the time at which it would have expired if he had been elected at the general election or bye-election, as the case may be.

Proceedings of the Corporation.

88. The Corporation shall meet for the despatch of business and shall from time to time, make such bye-laws with respect to the summoning, notice, place, management and adjournment of such meetings, and generally with respect to the mode of transacting and managing the business of the Corporation including the submission, asking and answering of questions under section 122 as they think fit, subject to the following conditions:— Provisions regulating the corporation's proceedings.

(a) the ordinary meeting in the month immediately preceding the month in which the first meeting referred to in clause (b) is held shall be held not later than the twentieth day of the month so preceding;

(b) the first meeting after general elections shall be held within a month of the publication of the declarations under section 66 on such day and at such time and place as the Commissioner may fix;

(c) the day, time and place of meeting shall in every other case be fixed by the Mayor, in his absence by the Deputy Mayor and in the absence of both the Mayor and the Deputy Mayor by the Chairman of the Standing Committee;

(d) the Mayor or in his absence the Deputy Mayor or in the absence of both the Mayor and Deputy Mayor, the Chairman of the Standing Committee may whenever he thinks fit, and shall, upon a written requisition signed by not less than one-sixth of the whole number of Councillors or by not less than four members of the Standing Committee, call a special meeting;

(e) every meeting shall be open to the public, unless a majority of the councillors present thereat decide by a resolution which shall be put by the presiding authority, of his own motion or at the request of any councillor present without previous discussion, that any inquiry or deliberation pending before the Corpo-

ration is such as should be held in private, and provided that the presiding authority, may at any time cause any person to be removed who interrupts the proceedings ;

(f) if at any time during a meeting it shall be brought to the notice of the presiding authority that the number of councillors present inclusive of the preisding authority, falls short of one-fourth of the whole number of councillors, the presiding authority shall adjourn the meeting to some other day, fixing such time and place for the same as he shall think convenient, and the business which remains undisposed at such meeting shall be disposed of at the adjourned meeting or, if the latter meeting should be again adjourned, at such adjourned meeting, whether there is a quorum or not ;

(g) every meeting shall be presided over by the Mayor and in his absence by the Deputy Mayor or in the absence of both the Mayor and the Deputy Mayor by such one of the councillors present as may be chosen by the meeting to be the Chairman for the occasion ;

(h) at least seven clear days' notice shall ordinarily be given of every meeting, other than an adjourned meeting, but in cases of urgency any such meeting may be called, except for the purpose of considering an annual budget-estimate, in pursuance of a written requisition signed by not less than four members of the Standing Committee, upon a notice of not less than three clear days; of adjourned meetings such previous notice shall be given as shall be practicable having regard to the period of the adjournment ;

(i) every notice of a meeting shall specify the time and place at which such meeting is to be held and the business to be transacted threat other than questions under section 122 and shall be given by the Municipal Secretary by advertisement in at least one local daily newspaper having a substantial circulation, and as far as practicable a copy of such notice shall be sent by ordinary post to the last known address of every Councillor ;

(j) any Councillor who desires at any meeting to bring forward any business, other than any questions under section 122 or to make any substantive proposition, which is not already specified in the notice of

such meeting, shall give written notice of the same to the Municipal Secretary at least three clear days before the day fixed for the meeting; and a supplementary announcement of the business of propositions, of which notice has been so given, shall be given by the said Secretary in not less than one local daily newspaper not later than the day previous to the meeting;

(k) except at a meeting called on a requisition of urgency or at the discussion at any meeting of a budget-estimate, no business shall be transacted at any meeting other than the business specified in the notice published under clause (i) and any questions asked under section 122 or urgent business not specified in the said notice which the Standing Committee, or the Commissioner deem it expedient to bring before the meeting, and no substantive proposition shall be made or discussed which is not specified in the said notice or in the supplementary announcement, if any, published under clause (j), or which is not in support of the recommendation of the Standing Committee, or the Commissioner, as the case may be, with reference to any urgent business brought by any of those authorities, respectively before the meeting:

Provided that no such urgent business as aforesaid shall be brought before any meeting unless at least three-fourths of the councillors present at such meeting, such three-fourths, being not less than one-sixth of the whole number of councillors, assent to its being brought forward thereat;

(l) at a meeting called on a requisition of urgency and during the discussion at any meeting of a budget-estimate, no business shall be transacted and no substantive proposition shall be made or discussed which does not directly relate to the business for which the urgent meeting was called, or to the budget-estimate as the case may be, and no proposition involving any change in the taxes which the Standing Committee propose to impose, or an increase or decrease of any item of expenditure in a budget-estimate, shall be made or discussed at any meeting at which such budget-estimate is under consideration, unless such proposition is specified in the notice of the meeting published under clause (i) or in the supplementary announcement, if any, published under clause (j) or unless, in the case of an adjourned meeting, each of the conditions mentioned in the proviso to clause (m) has been fulfilled;

(m) any meeting may, with the consent of a majority of the councillors present be adjourned from time to time, but no buiness shall be transacted and, except as is hereinafter provided, no proposition shall be discussed at any adjourned meeting other than the business and propositions remaining undisposed of at the meeting from which the adjourned meeting took place :

Provided that at any adjourned meeting at which a budget-estimate is under consideration a proposition involving any change such as is described in clause (l) may be made and discussed, notwithstanding that such proposition is not one remaining undisposed of at the meeting from which the adjourment took place, if each of the following conditions has been fulfilled, namely—

(i) that written notice of such proposition has been given at the meeting from which the adjournment took place ;

(ii) that the adjournment has been for not less than two clear days ; and

(iii) that a special announcement of the proposition has been given by the Municipal Secretary who shall be bound to give such announcement in not less than one local daily newspaper not later than the day previous to the adjourned meeting ;

(n) a minute of the proceedings at every meeting and showing the names of the councillors present threat shall, on the day following the meeting, or as soon thereafter as may be, drawn up and fairly entered by the Municipal Secretary in a book to be provided for this purpose and shall be signed at, by the presiding authority, of the next ensuing meeting; and the said minute book shall at all reasonable times be open at the Chief municipal office to inspection by any councillor free of charge, and by any other person on payment of a fee of eight annas ;

(o) a councillor shall not vote or take part in the discussion of any matter before a meeting or ask any question concerning any matter in which he is, directly or indirectly, by himself or by his partner, professionally interested on behalf of a client, principal or other person ;

(p) every question other than the question whether the Standing Committee or the Commissioner shall be permitted to bring urgent business before a meet-

ing without notice, shall be decided by a majority of votes of the councillors present and voting on that question, the presiding authority having a casting vote when there is an equality of votes;

(q) a declaration by the presiding authority that a proposition has been carried and an entry to that effect in the minute book shall, unless a poll be demanded at the time of such declaration by any councillor, be conclusive evidence of the fact, without proof of the number of votes given for or against the proposition;

(r) when a poll is taken, the vote of each councillor present and voting upon the proposition shall be taken by tellers appointed by the presiding authority and the names of the councillors voting respectively for or against the proposition shall be recorded in the minute-book:

(s) the Commissioner shall have the same right of being present at a meeting of the Corporation and of taking part in the discussions thereat as a councillor and with the consent of the presiding authority may at any time make a statement or expalnation of facts, but he shall not vote upon, or make any proposition at such meetings;

(t) the Corporation may require any officer of the Corporation to attend any meeting or meetings of the Corporation at which any matter dealt with by such officer in the course of his duties is being discussed. When any officer is thus required to attend any such meeting, he may be called upon to make a statement or explanation of facts or supply such information in his possession relating to any matter dealt with by him as the Corporation may require.

Power to order withdrawal of Councillor.

89. (1) The presiding authority shall preserve order and may direct any councillor whose conduct is in his opinion grossly disorderly to withdraw immediately from the meeting of the Corporation. Any councillor so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any councillor is ordered to withdraw a second time within 15 days, the presiding authority may suspend the councillor from attending the meetings of the Corporation and of any committee for any period not exceeding 15 days and the councillor so directed shall absent himself accordingly:

Provided that the presiding authority may remit the period of suspension on apology being made to his satisfaction by the councillor under suspension.

(2) The presiding authority may, in the case of grave disorder arising in the meeting, suspend the meeting for a period not exceeding three days.

Mayor and Deputy Mayor.

90. (1) The Corporation, shall at their first meeting under clause (b) of section 88 and in each following year, elect one from amongst the Councillors to be the Mayor and another to be the Deputy Mayor until the first meeting in the next following year, unless the Councillors in the meantime retire from office and then until the day for retirement.

(2) The Mayor and the Deputy Mayor shall respectively hold office until a new Mayor and a new Deputy Mayor have been elected under sub-section (1), and in a year in which general elections have been held, shall do so notwithstanding that they have not been returned as councillors on the results of the elections.

(3) A retiring Mayor or Deputy Mayor shall be eligible for re-election to either office.

(4) If any casual vacancy occurs in the office of the Mayor or the Deputy Mayor the Corporation shall, as soon as conveniently may be after the occurrence of the vacancy, elect one from among themselves to fill the vacancy and every Mayor or Deputy Mayor so elected shall hold office so long only as the person in whose place he is appointed would have been entitled to hold it if the vacancy had not occurred.

Deputy when to act as Mayor.

91. (1) When the office of the Mayor is vacant his functions shall devolve on the Deputy Mayor until a new Mayor is elected.

(2) If the Mayor leaves the City for more than fifteen days or is incapacitated, his functions shall devolve on the Deputy Mayor until the Mayor returns to the City or recovers from his incapacity, as the case may be.

Resignations.

92. (1) The Mayor may resign his office by giving notice in writing to the Corporation; the Deputy Mayor may resign his office by giving notice in writing to the Mayor. Such resignation shall take effect in the case of Mayor from the date on which it is accepted by the Corporation and in the case of the Deputy Mayor, by the Mayor.

(2) Any Councillor may resign his office at any time by notice in writing to the Mayor and such reignation shall take effect from the date on which it is accepted by the Mayor.

Committees.

Constitution of the Standing Committee.

93. (1) The Standing Committee shall consist:—

(a) in the City of Hyderabad of twelve councillors;

(b) in the City of Secunderabad of eight councillors;

(c) In the case of establishment of a single Corporation under the proviso to sub-section (1) of section 3, not less than 12 and not more than 16 Councillors.

(2) The Corporation shall at their first meeting held under clause (b) of section 88 appoint the required even number of persons from amongst themselves to be members of the Standing Committee.

(3) One-half of the members of the Standing Committee shall retire every succeeding year at noon on the first day of the month in which the first meeting of the Corporation mentioned in sub-section (2) was held.

(4) The members retiring under sub-section (3) one year after their election under sub-section (2) shall be selected by lot at such time previous to the date for retirement specified in sub-section (3) and in such manner as the Chairman of the Standing Committee may determine, and in succeeding years the members who shall retire under this section shall be those who have been longest in office:

Provided that, in the case of a member who has been reappointed, the term of his office for the purposes of this sub-section shall be computed from the date of his reappointment.

(5) The Corporation shall at their meeting held in the month preceding the date of retirement specified in sub-section (3) appoint fresh members of the Standing Committee to fill the offices of those who are due to retire on the said date.

(6) Any councillor who ceases to be member of the Standing Committee shall be eligible for reappointment.

(7) The Standing Committee in existence on the day for the retirement of Councillors shall continue to function till such time as a new Standing Committee is ap-

pointed under sub-section (2) notwithstanding that the members of the Standing Committee or some of them may no longer be Councillors.

Appointment of Chairman of the Standing Committee.

94. (1) The Standing Committee shall at its first meeting after its appointment under sub-section (2) of section 93 and at its first meeting in the same month in each succeeding year appoint one from amongst its members to be the Chairman.

(2) The Chairman shall hold office until his successor has been appointed under sub-section (1) but shall be ligible for reappointment.

(3) Notwithstanding the provisions of sub-sections (1) and (2), the Chairman shall vacate office as soon as he ceases to a member of the Committee.

(4) If any casual vacancy occurs in the office of the Chairman, the Standing Committee shall, as soon as conveniently may be after the occurrency of the vacancy, appoint one from amongst its members to fill such vacancy and every Chairman so appointed shall continue in office so long only as the person in whose place he is appointed would have held it if such vacancy had not occurred.

Member of the Standing Committee absenting himself from meeting to vacate seat.

95. Any member of the Standing Committee who absents himself for two successive months from the meetings of the Committee, except by reason of temporary illness or other cause to be approved by the Committee, or absents himself from or is unable to attend, the meetings of the Committee during four successive months from any cause whatsoever, whether approved by the Committee or not, shall cease to be a member of the Standing Committee and his seat shall thereupon be vacant.

Casual vacancies in Standing Committee how to be filled.

96. In the event of non-acceptance of office by a Councillor appointed to be a member of Standing Committee or his seat becoming vacant under section 95 or due to death, or resignation, or disqualification of a member of the said Committee or of his becoming incapable of acting previous to the expiry of his term of office, or otherwise, the vacancy shall be filled up as soon as conveniently may be by the appointment of another councillor who shall hold office so long only as the member in whose place he is appointed would have held it, if such vacancy had not occured.

Provisions regulating the proceedings of the Standing Committee.

97. The Standing Committee shall meet for the despatch of business in the Chief Office of the Municipal Corporation and may, from time to time, make such regulations with respect to such meetings and with respect to the scrutiny of the municipal accounts as they think fit, subject to the following conditions:—

(a) there shall be a meeting of the Standing Committee once a week, and at such other times as shall be found necessary;

(b) the first meeting of each Standing Committee shall be held on a day and at a time to be fixed by the Commissioner, and if not held on that day shall be held on some subsequent day to be fixed by the Commissioner; and every subsequent meeting of the Standing Committee shall be held on such day and at such time as the said Committee may from time to time determine;

(c) the Chairman of the Standing Committee shall, upon a written requisition signed by the Commissioner, call a special meeting of the said Committee within twenty-four hours for the transaction of any business which, in the opinion of the Commissioner, cannot be delayed until the next ordinary meeting of the said Committee:

(d) no business shall be transacted at a meeting of the Standing Committee unless at least half of the total number of members are present from the beginning to the end of such meeting;

(e) every meeting of the Standing Committee shall be presided over by the chairman, if the chairman is present at the time appointed for holding the meeting, and, if the chairman is absent, by such one of the members present as may be chosen by the meeting to be the Chairman for the occasion;

(f) every question shall be decided by a majority of votes of the members of the Standing Committee present and voting on that question, the presiding authority having a second or casting vote when there is an equality of votes;

(g) subject to any bye-laws made in this behalf the Standing Committee may from time to time, by a specific resolution in this behalf, delegate any of its powers or duties to sub-committees, consisting of such members of the said committee not less in number than

three on each sub-committee, as they think fit; and any sub-committee so formed shall conform to any instructions that may from time to time be given to them by the Standing Committee and the said committee may at any time discontinue or alter the constitution of any sub-committee so formed;

(h) a sub-committee may elect a Chairman of its meeting, and if no such Chairman is elected or if he is not present at the time appointed for holding any meeting, the members of the sub-committee present, shall choose one of their number to be Chairman of such meeting;

(i) a sub-committee may meet and adjourn as it thinks proper, but the Chairman of the Standing Committee may, whenever he thinks fit, and shall, upon the written request of not less than two members of a sub-committee, call a special meeting of such sub-committee;

(j) questions at any meeting of a sub-committee shall be decided by a majority of votes of the members present and, in case of an equality of votes, the Chairman of the meeting shall have a second or casting vote, but no business shall be transacted at any such meeting unless at least two-thirds of the members of the sub-committee are present from the beginning to the end thereof;

(k) a minute shall be kept by the Municipal Secretary of the names of the members present and of the proceedings at each meeting of the Standing Committee and at each sub-committee's meeting in a book to be provided for this purpose, which shall be signed at, and by the presiding authority of, the next ensuing meeting;

(l) a member of the Standing Committee shall not vote or take part in the discussion before the said committee or before any sub-committee on any matter in which he is directly or indirectly, by himself or by his partner, professionally interested on behalf of a client, principal or other person;

(m) the Commissioner shall have the same right of being present at a meeting of the Standing Committee and of taking part in the discussions thereat as a member of the said committee, but he shall not vote upon, or make any porposition at such meeting;

(n) the Standing Committee may require any officer of the Corporation to attend any meeting or meetings of the Standing Committee at which any matter dealt with by such officer in the course of his duties is being discussed; when any officer is thus required to attend any such meeting he may be called upon to make a statement or explanation of facts or supply such information as may be in his possession relating to any matter dealt with by him.

Special Committees of the Corporation.

98. (1) The Corporation, may from time to time appoint, out of their own body, Special Committees and may by specific resolution carried by a vote of at least two-thirds of the members of the Corporation present at the meeting, delegate any of their powers and duties to such committees, and may also by a like resolution define the sphere of business of each Special Committee so appointed, and direct that all matters and questions included in any such sphere shall, in the first instance, be placed before the appropriate committee and shall be submitted to the Corporation with such committee's recommendations.

(2) Every Special Committee shall conform to any instructions that may from time to time be given to them by the Corporation.

(3) The Corporation may, at any time, dissolve or subject to any bye-law made by them in this behalf alter the constitution of any Special Committee.

(4) Every Special Committee shall appoint two of their number to be the Chairman and Deputy Chairman:

Provided that no member shall, at the same time, be Chairman of more than one Special Committee.

(5) In the absence of the Chairman or Deputy Chairman, the members of the Special Committee present shall choose one of their number to preside over their meeting.

(6) All the proceednigs of every Special Committee shall be subject to confirmation by the Corporation:

Provided that any Special Committee may by a resolution supported by at least one-half of the whole number of members of the committee direct that action be taken in accordance with the decision of such committee without waiting for confirmation of their proceedings by the Corporation, should the committee consider that serious inconvenience would result from delay in taking such action; but if the Corporation do not confirm the

proceedings of the Special Committee such steps shall be taken to carry out any orders passed by the Corporation as may still be practicable :

Provided also that if, in delegating any of their powers or duties to a Special Committee under sub-section (1), the Corporation direct that the decision of the Special Committee shall be final, then so much of the proceedings of the Special Committee as relate to such powers or duties shall not be subject to confirmation by the Corporation, if such decision is supported by at least one-half of the whole number of members of the Committee.

(7) The Standing Committee may, from time to time, by a resolution carried by a vote of at least two-thirds of their members present at the meeting, delegate to any Special Committee appointed under sub-section (1) any of their powers and duties in respect of any matter with which such Special Committee is competent to deal, or refer to any such committee any such matter for disposal or report, and every such Special Committee shall conform to any instructions that may from time to time be given to them by the Standing Committee in this behalf :

Provided that every such resolution shall be reported by the Standing Committee to the Corporation as soon as possible, and the Corporation may at any time cancel such resolution.

(8) Any member of a Special Committee who absents himself during two successive months from the meetings of such Committee, except by reason of temporary illness or other cause to be approved by such Committee, or absents himself from or is unable to attend the meetings of such Committee during four successive months from any cause whatever, whether approved by such Committee or not, shall cease to be a member of such Committee and his seat shall thereupon be vacant.

(9) The Corporation may make bye-laws for regulating the constitution of Special Committees and the conduct of business at meetings of such committees, and for the keeping of minutes and the submission of reports.

Appointment of Ad-hoc Committee.

99. (1) The Corporation may, from time to time, appoint from amongst the councillors such Ad-hoc Committees consisting of such number of councillors as it shall think fit, and may refer to such Committees for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as it shall think fit, and

direct that the report of any such committee shall be submitted through the Standing Committee or a Special Committee constituted under section 98.

(2) An Ad-hoc Committee appointed under sub-section (1) may, with the previous sanction of the Corporation co-opt not more than two persons who are not councillors but who in the opinion of the committee possess special qualifications for serving thereon.

Joint transactions with other local authorities.

100. (1) The Corporation, may from time to time, join with a local authority or with a combination of local authorities.—

(a) in appointing a joint committee out of their respective bodies for any purpose in which they are jointly interested, and in appointing a Chairman of such Committee;

(b) in delegating to any such committee power to frame terms binding on each such body as to the Constitution and future maintenance of joint work and any power which might be exercised by any such bodies; and

(c) in framing and modifying bye-laws for regulating the proceedings of any such committee in respect of the purpose for which the Committee is appointed.

(2) Where the Corporation has requested the concurrence of any other local authority under the provision of sub-section (1) in respect of any matter and such other local authority has refused to concur, the Government may after hearing the objections, if any, of such local authority pass such orders as it deems fit requiring the concurrence of such other local authority, not being a cantonment authority, in the matter aforesaid and such other local authority shall comply with such orders.

(3) If any difference of opinion arises between the Corporation and any other local authority which has joined the Corporation under this section, the matter shall be referred to Government whose decision, thereupon shall be final and binding:

Provided that, if the local authority concerned is a cantonment authority, any such decision shall not be binding unless it is confirmed by the Central Government.

(4) The Corporation, may from time to time, with the sanction of Government enter into an agreement with a local authority or with a combination of local authorities for the levy of octroi or toll or any other tax by the

Corporation on behalf of the bodies so agreeing and in that event the provisions of this Act shall apply in respect of such levy as if the area of the city were extended so as to include the area subject to the control of such local authority or such combination of local authorities.

Provisions regarding validity of proceedings.

Vacancies in Corporation, etc., not to invalidate its proceedings.

101. No act or proceedings of the Corporation or of any committee or sub-committee appointed under this Act shall be questioned on account of any vacancy in its body.

Proceedings of Corporation, etc., not vitiated by disqualification, etc., of members thereof.

102. No disqualification of, or defect in the election or appointment of any person acting as a councillor, as the Mayor or the Deputy Mayor or the Presiding authority of the Corporation or as the Chairman or a member of any committee or sub-committee appointed under this Act shall be deemed to vitiate any act or proceeding of the Corporation or of any such committee or sub-committee, as the case may be, in which such person has taken part, provided the majority of the persons who were parties to such act or proceedings were entitled.

Proceedings of meeting to be good and valid until contrary is proved.

103. Until the contrary is proved, every meeting of the Corporation or of a committee or sub-committee in respect of the proceedings whereof a minute has been made and signed in accordance with this Act, shall be deemed to have been duly convened and held, and all the members of the meeting shall be deemed to have been duly qualified; and where the proceedings are proceedings of a committee or a sub-committee, such committee or sub-committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

The Municipal Commissioner.

Appointment of Commissioner.

104. (1) Subject to the provisions of sub-section (3), the Commisioner shall from time to time be appointed by the Government.

(2) The Commissioner shall be a whole time officer of the Corporation and shall not undertake any work unconnected with his office unless the Government in consultation with the Corporation sanctions the undertaking thereof by him.

(3) The Commissioner appointed under sub-section (1) shall be liable to be removed from his office as such, by the Government, if—

(a) at a meeting of the Corporation not less than two-thirds of the total number of Councillors vote for such removal in cases where the Commissioner persistently—

(i) makes default in performing the duties imposed or exceeds the powers conferred on him by or under this Act, or

(ii) neglects or refuses to implement the decisions of the Corporation, or Standing Committee or any other Committee of the Corporation, or

(iii) acts in a manner prejudicial to the interests of the Corporation;

(b) it appears to the Government that he is incapable of performing the duties of his office, or has been guilty of misconduct and neglect.

Appointment of a deputy Municipal Commissioner.

105. The Government shall on receipt of a requisition from the Corporation in this behalf, if it shall appear expedient so to do appoint a person to be a deputy Commissioner. Every person so appointed shall be subject to the same liabilities, restrictions and conditions to which the Commissioner is subject.

Functions of a deputy Commissioner.

106. (1) A deputy Commissioner so appointed shall be subordinate to the Commissioner and shall exercise such of the powers and perform such of the duties as the Commissioner shall from time to time depute to him provided that the Commissioner informs the Corporation of the powers and duties which he, from time to time, deputes to the Deputy Commissioner.

(2) All acts and things performed and done by a Deputy Commissioner during his tenure of the said office and in virtue thereof, shall for all purposes be deemed to have been performed and done by the Commissioner.

Remuneration of Commissioner and Deputy Commissioner.

Salary of the Commissioner and deputy Commissioner.

107. The Commissioner and the Deputy Commissioner shall receive from the Local Government Service Fund constituted under sub-section (1) of section 131 such monthly salary and allowances as Government may, from time to time, determine :

Provided that the salary of the Commissioner and the Deputy Commissioner shall not be altered to their disadvantage during the period for which their appointment have been made or renewed.

Provisions for absence of Commissioner or Deputy Commissioner on leave.

Grant of leave of absence to the Commissioner or Deputy Commissioner.

108. Leave on absence may be granted, from time to the Commissioner or the Deputy Commissioner by the Government in consultation with the Standing Committee.

Allowance whilst absent on leave.

109. The allowance to be paid to the Commissioner or to a Deputy Commissioner for absence on leave shall be of such amount not exceeding respectively the amount of the salary of the Commissioner or a Deputy Commissioner as shall be determined by the Government:

Provided that if the Commissioner or a Deputy Commissioner is a salaried servant of the Government, the amount of such allowance shall be regulated by the rules in force, relating to the leave allowance of the officers of his class.

Appointment and remuneration of Acting Commissioner or Acting Deputy Commissioner.

110. During the absence on leave or other temporary vacancies in the Office of the Commissioner or Deputy Commissioner the Government may appoint a person to act as a Commissioner or Deputy Commissioner, as the case may be, and every person appointed so to act shall exercise the powers and perform the duties conferred and imposed by this Act or any other law in force on the Commissioner or Deputy Commissioner and be subject to all the liabilities, restrictions and conditions to which the Commissioner or Deputy Commissioner is liable and shall receive a monthly salary not exceeding the salary payable to the Commissioner or Deputy Commissioner as the Government shall determine.

Disqualification of the Commissioner and the Deputy Commissioner.

Commissioner and Deputy Commissioner not to be interested in any contract with the Corporation.

111. (1) No person shall be qualified to be appointed to be the Commissioner or a Deputy Commissioner who has directly or indirectly by himself or his partner or as a member of Joint Hindu family any share or interest in any contract or employment with, by or on behalf of the Corporation other than as Commissioner or Deputy Commissioner, as the case may be.

(2) Any Commissioner or Deputy Commissioner who shall acquire directly or indirectly by himself or his partner or as a member of joint Hindu family any share or interest in any such contract or employment as aforesaid shall cease to be Commissioner or a Deputy Commissioner, as the case may be, and his office shall become vacant.

Explanation :—Nothing in this section shall apply to any such share or interest in any contract or employment with, by or on behalf of the Corporation as in clause (h) of section 22 it is permissible for a Councillor to have without his being thereby disqualified for being a Councillor.

CHAPTER III.

Duties and Powers of the Municipal Authorities; Obligatory and discretionary duties of the Corporation.

Matters to be provided for by the Corporation.

112. The Corporation shall make adequate provision for the following matters, namely :—

(1) erection of substantial boundary marks of such description and in such positions as shall be approved by the Government defining the limits or any alteration in the limits of the City ;

(2) the watering, scavenging and cleansing of all public streets and places in the City and the removal of all sweepings therefrom ;

(3) the collection, removal, treatment and disposal of sewage, offensive matter and rubbish and the preparation of compost manure from such sewage, offensive matter and rubbish ;

(4) the construction, maintenance and cleansing of drains and drainage works, and of public latrines, water-closets, urinals and similar conveniences ;

(5) the lighting of public buildings vested in the Corporation, public streets and municipal markets ;

(6) the maintenance of a municipal office and of all public monuments and open spaces and other property vesting in the Corporation ;

(7) the naming or numbering of streets and of public places in the Corporation and the numbering of premises ;

(8) the regulation of offensive and dangerous trades or practices;

(9) the maintenance, change and regulation of places for the disposal of the dead and the provision of new places for the said purpose and disposing of unclaimed dead bodies;

(10) the construction or acquisition and maintenanance of public markets and slaughter houses and the regulation of all markets and slaughter houses;

(11) the construction or acquisition and maintenance of cattle-pounds;

(12) public vaccination in accordance with the provisions of the Hyderabad Vaccination Act, 1951;

(13) the reclamation of unhealthy localities, the removal of noxious vegetation and generally the abatement of all Nuisances;

(14) the registration of births and deaths;

(15) the construction, maintenance, alteration and improvement of streets, bridges, subways, culverts, cause ways or the like;

(16) the removal of obstructions and projections in or upon streets, bridges and other public places;

(17) the management and maintenance of all municipal water works and the construction or acquisition of new works necessary for a sufficient supply of water for public and private purposes;

(18) preventing the spread of infectous diseases;

(19) the securing or removal of dangerous buildings and places;

(20) the improvement of the City;

(21) the provision of public parks, gardens, playgrounds and recreation grounds;

(22) the fulfilment of any oblgiation imposed by or under this Act or any other law for the time being in force;

(23) subject to adequate provision being made for the matters hereinbefore specified, the provision of relief to destitute persons in the City in times of famine and scarcity and the establishment and maintenance of relief works in such times.

Corporation to provide for anti-rabic treatment.

113. The Corporation shall make payments at such rates and subject to such conditions as the Government may from time to time by general or special order determine, for the maintenance and treatment in any institution which the Government declares by notification in the Official Gazette to be suitable for such purpose either within or without the City and other necessary expenses of persons undergoing anti-rabic treatment as indigent persons according to the rules applicable to such institutions;

Provided that the Corporation shall not be liable under this section for the maintenance, treatment and other expenses of any person undergoing anti-rabic treatment as an indigent person in any such institution as aforesaid, unless such person immediately previous to his admission therto has been resident in the City for at least one year and has proceeded to such institution from the City.

Corporation to provide for maintenance of lunatic asylums.

114. (1) The Corporation shall make payments at such rates per head as the Government, from time to time by general or special order determine, for the maintenance and treatment either in the city or at any asylum, hospital or house, whether within or without the city, which the Government declares by notification to be suitable for such purpose of pauper lunatics not being persons for whose confinement an order under Chapter XXXIV of the Code of Criminal Procedure, 1898, is in force, resident within, or under any enactment for the time being in force removed from, the city:

Provided that the Corporation shall not be liable under this section for the maintenance and treatment of any lunatic in any such asylum, hospital or house as aforesaid, unless such lunatic, previous to his admission thereto, has been resident in the city for at least one year:

Provided further that where an application is made to the High Court under the provisions of section 88 of the Indian Lunacy Act, 1912, 81 of the Hyderabad Lunacy Regulation of 1355 Fasli, no order for the payment of the cost of maintenance of the lunatic by the Corporation shall be made without an opportunity being given to the Corporation to show that the lunatic is not pauper and has an estate applicable to his maintenance or that there is a person legally bound and having the means, to maintain him:

Provided also that the rates determined by the Government under this section shall not exceed half the total cost of maintenance and treatment incurred per head on account of the lunatics for whose maintenance and treatment the Corporation shall be liable under this section.

(2) The Officer-in-Charge of an asylum, hospital or house to which lunatics for whose maintenance and treatment the Corporation is liable under this section are admitted shall maintain a clear account of the cost of maintenance and treatment incurred on account of such persons detained in the asylum, hospital or house and shall furnish a copy thereof to the Corporation.

Matters which may be provided for by Corporation at its discretion.

115. The Corporation may provide from time to time, either wholly or partly, for all or any of the following matters, namely :—

(1) the organisation, maintenance or management of institutions within or without the city for the care of persons who are infirm, sick or incurable, or for the care and training of blind, deaf, mute or otherwise disabled persons or of handicapped children ;

(2) the organisation, maintenance or management of maternity and infant welfare homes or centres ;

(3) the provision of milk to expectant or nursing mothers or infants or school children ;

(4) the organisation, maintenance or management of chemical or bacteriological laboratories for the examination or analysis of water, food or drugs, for the detection of disease or for researches connected with public health;

(5) swimming pools, public wash-houses, bathing places and other institutions designed for the improvement of public health;

(6) dairies or farms within or without the city for the supply, distribution and processing of milk or milk products for the benefit of the residents of the city ;

(7) the construction and maintenance in public streets or places of drinking fountains for human beings and water troughs for animals ;

(8) the planting and maintenance of trees on road sides and elsewhere ;

(9) the providing of entertainments in public places or places of public resort ;

(10) the holding of exhibitions, athletics or games ;

(11) the regulation of lodging houses, camping grounds and rest-houses in the city;

(12) the maintenance of an ambulance service;

(13) the construction, estabilshment and maintenance of theatres, places of entertainment, rest-houses and other public buildings;

(14) the organisation or maintenance in times of scarcity of shops or stalls for the sale of necessaries of life;

(15) the building or purchase and maintenance of dwellings for municipal officers and servants;

(16) the grant of loans to municipal servants drawing a monthly salary of not more than one hundred rupees for purposes of constructing houses on such terms and subject to such conditions as may be prescribed;

(17) the organisation, maintenance or management of transport facilities for the conveyance of the public or goods;

(18) the furtherance of educational objects, and the making of grants to educational institutions;

(19) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase or construction of buildings therefor;

(20) the destruction of vermins, birds or animals causing a danger or nuisance, and the confinement or destruction of stray dogs;

(21) contributions towards any public fund raised for the relief of human suffering within or without the city;

(22) the granting of rewards for information which may tend to secure the correct registration of vital statistics;

(23) the acquisition and maintenance of grazing grounds and the establishment and maintenance of a stud farm;

(24) establishing and maintaining a farm of factory for the disposal of sewage;

(25) supplying, constructing and maintaining in accordance with the general system approved by the Corporation, receptacles, fittings, pipes and other appliances whatsoever on or for the use of premises for receiving and conducting the sewage thereof into drains under the control of the Corporation;

(26) granting rewards for information regarding the infringement of any provisions of this Act, or of the rules, bye-laws, regulations or standing orders made thereunder;

(27) laying out whether in areas previouly built upon or not, new streets and acquiring land for that purpose or required for the construction of buildings or curtilages thereof to abut on such street or streets;

(28) the building or purchase and maintenance of suitable dwellings for the poor and working classes;

(29) the provision of shelter to destitute or homeless persons and any form of poor relief;

(30) the building or purchase and maintenance of sanitary stables, or byres for horses, ponies, cattle used in hackney carriages or carts or for milch-kine;

(31) the surveying of buildings or lands;

(32) taking measures to meet any calamity affecting the public in the city;

(33) the making of a contribution towards any public ceremony or entertainment in the city;

(34) the construction, purchase, organisation, maintenance, extension and management of tramways, tractless trams or mechanically propelled transport facilities for the conveyance of the public;

(35) the purchase, maintenance, management, and conduct of any undertaking for the supply of electric energy or gas to the public or the subsidising of any such undertaking;

(36) the acquisition of immovable or movable property for any of the purposes before mentioned including payment of the cost of investigation, surveys or examinations in relation thereto or the construction or adaptation of buildings necessary for such purposes;

(37) preparation and presentation of address to persons of distinction;

(38) maintaining, aiding and suitably accommodating schools for primary education, subject always to the grant of building grants by the Government; and

(39) the taking of any measure not hereinbefore specifically named, likely to promote public safety, health, convenience or instruction.

116. Government may, in consultation with the Corporation and on such terms and conditions as may be specified in the said order, require the Corporation at any time by a notified order to undertake such measures for the improvement of Social and Economic status of the inhabitants of the City as shall be specified in the said order. Social and economic measures.

Respective functions of several Municipal Authorities.

117. (1) The respective functions of the several Municipal authorities shall be such as are specifically provided under this Act or the rules or bye-laws made thereunder. Functions of the several Municipal Authorities.

(2) Except as otherwise expressly provided in this Act, the municipal Government of the City vests in the Corporation.

(3) Subject to the approval or sanction of the Corporation or the Standing Committee and subject also to all other restrictions, and conditions and limitations imposed by this Act or by any other law for the time being in force and whenever it is in this Act expressly so directed, the entire executive power for the purpose of carrying out the provisions of this Act and of any other law for the time being in force which imposes any duty, or confers any power on the Corporation vests in the Commissioner who shall also :—

(a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act or by any other law for the time being in force;

(b) specify the duties of, and exercise supervision and control over the acts and the proceedings of all municipal officers and servants other than the municipal Secretary and municipal Examiner of Accounts and the municipal officer and servant subordinate to them;

(c) in any emergency take such immediate action for the service or safety of the public or the protection of the property of the Corporation as the emergency shall appear to him to justify or to require, notwithstanding that such action cannot be taken under this Act without the sanction, approval or authority of some other municipal authority or of the Government;

Provided that the Commissioner shall report forthwith to the Standing Committee and to the Corporation the action he has taken, and his reasons for taking the

same and the amount of cost, if any, incurred or likely to be incurred in consequence of such action which is not covered by a current budget grant under the provisions of this Act.

Commissioner to exercise powers and perform duties of Corporation under other law.

118. (1) Any powers, duties and functions conferred or imposed upon or vested in the Corporation by any other law for the time being in force shall, subject to the provisions of such law and to such restrictions, limitations and conditions as the Corporation may impose, be exercised, performed or discharged by the Commissioner.

(2) The Commissioner may, with the approval of the Standing Committee by order in writing, empower any municipal officer to exercise, perform or discharge any such power, duty or function under the control of the Commissioner and subject to his revision and to such conditions and limitations, if any, as he may think fit to impose.

Municipal Officers may be empowered to exercise certain of the powers, etc., of the Commissioner.

119. (1) Subject to the provisions of sub-section (2) any of the powers, duties or functions conferred or imposed upon or vested in the Commissioner by or under any of the provisions of this Act may be exercised, performed or discharged, under the control of the Commissioner, and subject to his revision and to such conditions, if any, as may be imposed, or as he shall think fit to impose in a manner not inconsistent with the provisions of this Act or rules made thereunder, by any municipal officer whom the Commissioner generally or specially empowers by orders in writing in this behalf; and to the extent to which any municipal officer is so empowered the word "Commissioner" occurring in any provision in this Act, shall be deemed to include such officer.

(2) The Commissioner shall not, except with the prior approval of the Standing Committee, make an order under sub-section (1) affecting his powers, duties or functions under any of the sections, sub-sections and clauses, specified in Scheduled B.

Corporation may call for extracts from proceedings of the Standing Committee, etc.

120. The Corporation may at any time call for any extract from any proceedings of the Standing Committee or of any Committee or sub-committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which the Standing Committee or any such committee or sub-committee is empowered by or under this law to deal; and

every such requisition shall be complied with by the Standing Committee or other Committee or sub-Committee, as the case may be, without unreasonable delay.

Corporation may require Commissioner to produce documents and furnish returns, reports, etc.

121. (1) The Corporation may at any time require the Commissioner—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office or in the office of any municipal officer or servant subordinate to him;

(b) to furnish any return, plan estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal Government of the City;

() to furnish a report by himself or to obtain from any officer subordinate to him and furnish with his own remarks thereon, a report, upon any subject concerning or connected with the administration of this Act or the municipal Government of the City.

(2) Except as is hereinafter provided, every such requisition shall be complied with by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition :

Provided that whereon the receipt of the requisition as aforesaid the Commissioner is of the opinion that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public he shall place the matter before the Mayor and obtain his decision thereon and shall act in accordance with such decision which shall be final.

Right to ask questions and make proposals.

122. (1) Subject to any bye-law made in this behalf under section 586, a councillor may question the Commissioner who shall answer any question concerning or connected with the administration of this Act or the municipal government of the city :

Provided that—

(a) not less than seven clear days' notice in writing specifying the questions has been given to the Municipal Secretary ;

(b) no question shall be asked—

(i) which calls for an expression of opinion or for the solution of an abstract legal question or of a hypothetical proposition ; or

(ii) which concerns or is connected with, either directly or indirectly, any pending suit or proceedings, in any court of law or before any tribunal in any part of the city ; or

(iii) which relates to the character or conduct of any Municipal officer or servant except in his official or public capacity ; or

(iv) which is or by implication may be, defamatory of or which makes or implies, a charge of a personal character against any person or section of any community ; or

(v) which contravenes any bye-law made in this behalf under section 586.

(2) The Mayor shall disallow any question which is, in his opinion, in contravention of the provisions of sub-section (1).

(3) If any doubt arises whether any question is or is not within the restrictions imposed by sub-section (1), the Mayor shall decide the point and his decision shall be final.

(4) The Commissioner shall not be bound to answer a question, if in his opinion, it cannot be answered without detriment to the interests of the Corporation or if it asks for information which has been communicated to him in confidence.

(5) Any Councillor may call the attention of the Commissioner to any neglect in the execution of the municipal work, to any waste or damage to the municipal property or to the wants of any locality and may suggest in respect thereof any proposal or improvement which he considers desirable.

Exercise of powers to be subject to sanction by Corporation of the necessary expenditure.

123. The exercise by any municipal authority of any power conferred or the performance of any duty imposed by or under this Act which will involve expenditure shall, except in any case specified in sub-section (2) of section 172, be subject to the conditions that:—

(a) such expenditure so far as it is to be incurred in the financial year in which such power is exercised or duty performed is provided for under a current budget grant ; and

(b) if the exercise of such power or the performance of such duty involves or is likely to involve expenditure for any period or at any time after the close of the said financial year, the sanction of the Corporation is taken before liability for such expenditure is incurred.

Contracts

Power of the Commissioner to execute contracts on behalf of the Corporation.

124. With respect to the making of contracts under or for any purpose of this Act, the following provisions shall have effect, namely :—

(a) every such contract shall be made on behalf of the Corporation by the Commissioner ;

(b) no such contract, for any purpose which in accordance with any provision of this Act, the Commissioner may not carry out without the approval or sanction of some other municipal authority, shall be made by him until or unless such approval or sanction has first of all been duly given ;

(c) no contract, other than a contract relating to the acquisition of immovable property or any interest therein, or any right thereto, involving an expenditure exceeding rupees five thousand shall be made by the Commissioner unless the same is previously approved by the Standing Committee ;

(d) every contract other than a contract for the acquisition of immovable property, or any interest therein or any right thereto made by the Commissioner involving an expenditure exceeding rupees five hundred and not exceeding rupees five thousand shall be reported by him within fifteen days, after the same has been made, to the Standing Committee ;

(e) the foregoing provisions of this section shall, as far as many be, apply to every contract which the Commissioner shall have occasion to make in the execution of this Act ; and the same provisions of this section which apply to an original contract shall be deemed to apply also to any variation or discharge of such contract.

Mode of executing contracts.

125. (1) Every contract entered into by the Commissioner on behalf of the Corporation shall be entered into in such manner and form as would bind the Commissioner if such contract were on his own behalf, and may in the like manner and form be varied or discharged:

Provided that—

(a) where any such contract, if entered into by the Commissioner, would require to be under seal, the same shall be sealed with the common seal of the Corporation; and

(b) every contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding rupees five hundred shall be in writing and shall be sealed with the common seal of the Corporation in the manner specified in sub-section (2) and shall specify the work to be done or the materials or goods to be supplied, as the case may be, the price to be paid for such work, materials or goods and, in the case of a contract for work, the time or times within which the same or specified portions thereof shall be completed.

(2) The common seal of the Corporation which shall remain in the custody of the Municipal Secretary, shall be affixed in the presence of two members of the Standing Committee to every contract or other instrument required to be under seal and such contract or instrument shall be signed by the said two members of the Standing Committee in token of the same being sealed in their presence. The signatures of the said members shall be distinct from the signatures of any witnesses to the execution of any such contract or instrument:

Provided that any such contract not executed as provided above shall not be binding on the Corporation.

Tenders to be invited for contracts involving expenditure exceeding Rs. 3,000.

126. (1) Except as is hereinafter otherwise provided, the Commissioner shall, at least seven days before entering into any contract for the execution of any work or the supply of any materials or goods which will involve an expenditure exceeding rupees three thousand, give notice by advertisement in the local newspapers, inviting tenders for such contract.

(2) The Commissioner shall not be bound to accept any tender which may be made in pursuance of such notice, but may accept, subject to the provision of clause (c) of section 124, any of the tenders so made which appears to him, upon a view of all the circumstances, to be the most advantageous:

Provided that the Standing Committee may for reasons which shall be recorded in their proceedings, authorise the Commissioner, to enter into a contract without inviting tenders as herein provided or without accepting

any tender which he may receive after having invited them.

Security when to be taken for performance of contract.

127. The Commissioner shall require sufficient security for the due performance of every contract into which he enters under the last preceding section, and may, in his discretion, require security for the due performance of any other contract into which he enters under this Act.

Power of Corporation to determine whether works shall be executed by contract.

128. Notwithstanding anything contained in this Act, the Corporation may determine either generally for any class of cases or specially for any particular case whether the Commissioner shall execute works by contract or otherwise.

Works costing more than Rs. 50,000.

129. Where a project is framed for the execution of any work the estimated cost of which exceeds rupees fifty thousand—

(a) the Commissioner shall cause a detailed report to be prepared including such estimates and drawings as may be requisite and the Standing Committee shall lay the same before the Corporation ;

(b) the Corporation shall consider the report and may reject the project or approve it either in its entirely or subject to modifications ;

(c) where the Corporation approves the project, the report, subject to any modifications as aforesaid, shall be submitted to the Government ;

(d) The Government may, after necessary technical scrutiny, sanction the project, either in its entirety or subject to modification.

(e) where the Government sanctions the project subject to modification, it shall be returned to the Corporation for reconsideration ;

(f) If after reconsideration, the Corporation resubmits the project, the Government may sanction it subject to such modifications as it may deem fit to make and such sanction of the Government shall be final.

CHAPTER IV

LOCAL GOVERNMENT SERVICE & MUNICIPAL OFFICERS AND SERVANTS.

Local Government Service

Local Government Service.

130. (1) There shall be constituted for the purposes of this Act, and of any law for the time being in force regulating the powers and duties of other local authorities, a Local Government Service consisting of officers

and servants of a Corporation who hold any of the posts specified in Schedule C which may from time to time be amended by the Government in consultation with the Corporation.

(2). Government shall have the power to appoint, dismiss and transfer and to take disiplinary action against officers belonging to the said service and prescribe conditions of their service.

(3) Unless it be otherwise prescribed under sub-section (2) the Hyderabad Civil Service Rules for the time being in force relating to the appointment and conditions of service and all rules for the time being in force relating to the conduct and enquiry into the conduct of government servants shall apply to officers belonging to the Local Government Service.

Local Government Service Fund.

131. (1) There shall be constituted a Local Government Service Fund to meet expenditure in respect of salaries, allowances, pensions, provident fund, gratuity and other necessary expenditure payable to the officers and servants of Local Government Service appointed under the provisions of this Act or of any other law for the time being inforce or rules made thereunder or by any order of the Government.

(2) The Corporation shall contribute 12½% of its revenue towards the Local Government Service Fund constituted under sub-section (1) :

Provided that the Government may from time to time by a notification in the Official Gazette revise or alter the percentage of the contribution towards the Local Government Service Fund.

Power of Government to appoint other officers.

132. (1) The Government may, in addition to the officers and servants specified in Schedule C appoint for the purposes of this Act and of any law for the time being in force regulating the duties and powers of other local authorities, duly qualified person or persons to be Superintending Engineer, Chief Town Planner, Divisional Engineers, Assistant Engineers, Assistant Town Planning Officers, Architects, Inspecting Officers or other Officers for the whole or any part of the State and may sanction such establishment for the said officers as may be deemed necessary.

(2) The officers and establishment appointed under sub-section (1) shall belong to the Local Government Ser-

vice and their expenses shall be defrayed from the Local Government Service Fund constituted under section 131.

(3) Th powers and duties of the officers mentioned in sub-section (1) shall be such as may from time to time be determined by the Government.

City Engineer, Medical Officer of Health, Municipal Examiner of Accounts & Municipal Secretary.

Appointment of City Engineer, etc.

133. The Government shall appoint fit persons to be City Engineer, Medical Officer of Health, Municipal Examiner of Accounts and Municipal Secretary, for the efficient functioning of the Corporation.

Power and duties of City Engineer and Medical Officer of Health.

134. The City Engineer and Medical Officer of Health shall perform such duties as they are directed by or under this Act or the rules or bye-laws made thereunder or as may from time to time be required by the Commissioner or the Standing Committee.

Power and duties of Examiner of Accounts.

135. The Municipal Examiner of Accounts shall,—

(a) perform such duties as he is directed, by or under this Act or rules made thereunder to perform and such other duties with regard to the audit of the Accounts of the Municipal Fund as will be required by him by the Corporation or by the Standing Committee ;

(b) specify, subject to such directions as the Standing Committee may, from time to time, give the duties and powers of the Auditors, Assistant Auditors, Clerks and servants immediately sub-ordinate to him ; and

(c) subject to the orders of the Standing Committee exercise supervision and control over the acts and proceedings of the said Auditors, Assistant Auditors, Clerks and servants.

Powers and duties of Municipal Secretary.

136. The Municipal Secretary shall be the Secretary of the Corporation and also of the Standing Committee and shall.—

(a) perform such duties as he is directed by or under this Act to perform and such other duties in and with regard to the Corporation and the Standing Committee, as shall be required of him by those bodies respectively ;

(b) have the custody of all papers and documents connected with the proceedings of :

(i) The Corporation and any Committee appointed by the Corporation under section 98,

(ii) The Standing Committee and any sub-committee thereof;

(c) specify subject to such directions as the Standing Committee may from time to time give, the duties of the officers and servants immediately subordinate to him; and

(d) subject to the orders of the Standing Committee exercise supervision and control over the acts and proceedings of the said officers and servants.

Municipal Officers and Servants

Numbers, designations, grades, etc., of Municipal Officers and servants.

137. (1) Subject to the provisions of sub-section (5) the Standing Committee may from time to time determine the number, designation, grades, fees and allowances of officers and servants to be immediately subordinate to the Municipal Examiner of Accounts and the Municipal Secretary.

(2) The Commissioner shall from time to time prepare and bring before the Standing Committee statements setting forth the number, designations, grades, fees and allowances of the officers and servants who should in his opinion be maintained and the amount and nature of the grades, fees and allowances which he proposes should be paid to each.

(3) The Standing Committee shall subject to the provisions of sub-section (5) sanction such statements either as it stands or subject to such modifications as it deems expedient.

(4) In discharging the functions vested in them by sub-sections (1), (2) and (3) the Standing Committee and the Commissioner shall determine the grades, fees and allowances in conformity with the arrangements prevailing and the schedule of rates in vogue in the establishment of the Government.

(5) No new permanent office with a minmium monthly salary exclusive of allowances of rupees one hundred or more shall be created without the sanction of the Corporation and no new office with a minimum monthly salary exclusive of allowances of rupees one hund red and ninety or more or with a maximum monthly salary exclusive of allowances of rupees three hundred and forty or more shall be created without the sanction of the Government.

(6) Nothing in this section shall be construed as affecting the rights of the Corporation or the Commissioner to make any temporary appointments which they or he is empowered to make under section 138.

Explanation.—An increase in th salary of any permanent office shall be deemed for the purpose of subsection (5) to be the creation of a new office if by reason of such increase, the minimum monthly salary, exclusive of allowances, amounts to rupees one hundred or more or rupees one hundred and ninety or more as the case may be, or the maximum monthly salary exclusive of allowances amounts to rupees three hundred and forty or more.

Power of Appointment in whom to vest.

138. (1) The power of appointing Municipal Officers and Servants whether temporary or permanent whose minimum monthly salary, exclusive of allowances, is rupees one hundred and seventy or more but does not exceed rupees one hundred and eighty nine shall vest in the Corporation.

(2) The power of appointing Municipal Officers and servants whether temporary or permanent whose minimum monthly salary exclusive of allowances is rupees one hundred or more but does not exceed rupees one hundred and sixty-nine shall vest in the Standing Committee :

Provided that the power of appointing Municipal Officers and Servants immediately subordinate to the Municipal Examiner of Accounts and the Municipal Secretary, whether temporary or permanent whose minimum monthly salary is less than rupees one hundred shall also vest in the Standing Committee :

Provided further that temporary appointments carrying a monthly salary of rupees one hundred or more but not exceeding rupees one hundred and sixty nine exclusive of allowances may be made by the Commissioner for a period of not more than three months on condition that every such appointment shall be forthwith reported to the Standing Committee and no such appointment shall be renewed by the Commissioner on the expiry of the said period without the previous sanction of the Standing Committee.

(3) Save as otherwise provided in this Act the power of appointing the Municipal Officers and Servants whether temporary or permanent vests in the Commissioner :

Provided that such powers in respect of permanent appointments shall be subject to the statement for the time being in force prepared and sanctioned under Section 137:

Provided further that no temporary appointment shall be made by the Comissioner for any period exceeding three months and no such appointment carrying a monthly salary of more than rupees one hundred exclusive of allowances shall be renewed by the Commissioner on the expiry of the said period of six months without the previous sanction of the Standing Committee.

Conditions of service and manner of making appointments.

139. The appointment of Municipal Officers and servants shall be made in such manner and subject to such conditions of service as may be prescribed.

Application of the Hyderabad Civil Service Rules Manual and certain other rules.

140. Unless otherwise prescribed under section 139, the Hyderabad Civil Service Rules for the time being in force relating to the appointment and conditions of service and all rules for the time being in force relating to the conduct and inquiry into the conduct of Government servants shall apply to the Municipal Officers and servants.

Power of suspension, punishment and dismissal in whom to vest.

141 (1) An Appointing authority may, subject to the provisions of this Act, impose any of the penalties specified in sub-section (2) on a Municipal Officer or servant if such authority is satisfied that such officer or servant is guilty of a breach of rules made and orders issued under this Act or of discipline or of carelessness, or neglect of duty or of other misconduct:

Provided that:

(a) Any Municipal Officer whose monthly minimum salary exclusive of allowances is rupees hundred or more but does not exceed rupees one hundred and sixty nine shall be dismissed by the Commissioner with the previous approval of the Standing Committee.

(b) Any officer appointed by the Corporation may be suspended by the Standing Committee pending an order of the Corporation, such suspension and the reason therefor being forthwith reported to the Corporation.

(c) The Commissioner may impose any of the penalties specified in clauses (a), (b), (d) and (e) of sub-

section (2) on any Municipal Officer or servant appointed by the Corporation or by the Standing Committee except the officers and servants immediately subordinate to the Municipal Examiner of Accounts and the Municipal Secretary.

(d) The Municipal Examiner of Accounts and the Municipal Secretary may impose any of the penalties specified in clauses (a), (d) and (e) of sub-section (2) on any officer and servant immediately subordinate to them and drawing a minimum monthly salary not exceeding rupees hundred exclusive of allowances subject to a right of appeal to the Standing Committee.

(2) Penalties which may be imposed under this section are the following **viz.** :

(a) Censure; (b) withholding of increments or promotion including stoppage at an efficiency bar, (c) reduction to a lower rank in the seniority list or to a lower post, (d) fine, (e) recovery from salary of the whole or part of any pecuniary loss caused to the Corporation, (f) suspension, (g) removal of Municipal Officer or servant which does not disqualify from future employment, (h) dismissal of Municipal Officer and servant which ordinarily disqualifies from future employment.

(3) No penalty specified in sub-section (2) shall be imposed on any Municipal Officer or servant by any authority unless proceedings are taken in accordance with the provisions of the Hyderabad Civil Service (Classification, Control & Appeal) Rules.

(4) Subject to the provisions of clause (d) to sub-section (1) any Municipal Officer or servant, on whom any penalty specified in sub-section (2) is imposed by any authority other than the Corporation, may within three months of the communication to him of the order of imposition of the penalty, appeal to the authority immediately superior to the authority imposing the penalty and the appellate authority may, after obtaining the remarks of the authority which imposes the penalty, either confirm the orders passed or substitute for it such order as it considers just including an order for the imposition of some lesser penalty, and effect shall forthwith be given to any order passed by the appellate authority which shall be conclusive :

Provided that for the purposes of this sub-section the Standing Committee shall be deemed to be the authority immediately superior to the Commissioner and the Corporation shall be deemed to be the authority immediately superior to the Standing Committee.

Leave of absence, acting appointments, etc.

142. (1) Leave of absence may be granted subject to the Hyderabad Civil Service Rules by the Commissionner to any Municipal Officer or servant whom he has the power to appoint and for a period not exceeding one month to any Municipal Officer or servant other than officers and servants immediately subordinate to the Municipal Examiner of Accounts and the Municipal Secretary.

(2) Leave of absence may be granted by the Municipal Examiner of Accounts and the Municipal Secretary to a Municipal Officer or servant immediately subordinate to them receiving the minimum monthly salary exclusive of allowances not exceeding rupees hundred.

(3) Leave of absence may be granted by the Standing Committee to any Municipal Officer or servant not covered by sub-sections (1) or (2).

Appointment during absence of an Officer.

143. The appointment of a person to act in the place of a Municipal Officer or servant absent on leave may be made when necessary subject to the aforesaid rules by the authority granting the leave.

Disqualification of Municipal Officers and servants.

144. (1) Any person who is directly or indirectly by himself or his partner, or if he belongs to a Joint Hindu Family by any member of the family, has any share or interest in any contract or employment with, by or on behalf of the Corporation other than as a Municipal Officer or servant shall be disqualified for being a Municipal Officer or servant.

(2) Any Municipal Officer or servant who shall acquire by himself or his partner any share or interest in any contract or employment as aforesaid shall cease to be a Municipal Officer or servant and his office shall become vacant.

Explanation:—Nothing in this Section shall apply to any such share or interest in any contract or employment with, by or on behalf of the Corporation as in clause (h) of section 22 it is permissible for a Councillor to have without his being thereby disqualified for being a Councillor.

CHAPTER V.

MUNICIPAL PROPERTY.

Acquisition of Property.

Powers of Corporation as to acquisition of property.

145. (1) The Corporation shall, for the purposes of this Act have power to acquire and hold movable and immovable property or any interest therein whether within or without the limits of the City.

(2) Any immovable property which may be transferred to the Corporation by the Government, shall be held by it subject to such conditions, including resumption by the Government on the occurrence of a specified contingency, and shall be applied to such purposes as the Government may impose or specify when the transfer is made.

Acquisition of immovable property by agreement.

146. (1) Whenever it is provided by this Act that the Commissioner may acquire, or whenever it is necessary or expedient for any purpose of this Act that the Commissioner shall acquire, any immovable property, such property may be acquired by the Commssioner on behalf of the Corporation by agreement on such terms at such rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee, either generally for any class of cases or specially in a particular case.

(2) And whenever, under any provision of this Act, the Commissioner is authorised to agree to pay the whole or any portion of the expenses of acquiring any immovable property, he shall do so on such terms and at rates or prices or at rates or prices not exceeding such maxima as shall be approved by the Standing Committee as aforesaid.

(3) Subject to the provisions of this Act, it shall be lawful for the Commissioner on behalf of Corporation to agree with the owner of any land or of any interest in land needed by the Corporation for the purposes of any scheme under Chapter XIII or with the owner of any right which may have been created by legislative enactment over any street forming part of the land so needed, for the purchase of such land or of any interest in such land or for compensating the owner of any such right in respect of any deprivation thereof or interference therewith.

(4) No contract for the acquisition of any immovable property or of any interest therein or any right thereto or the payment of any compensation under sub-section (1), (2) or (3) shall be valid, if the price or compensation to be paid for such property or interest or right exceeds rupees five thousand unless and untill such contract has been approved by the Corporation.

(5) Every contract or other instrument relating to the acquisition of immovable property or any interest therein or any right thereto shall be executed by the Commissioner, shall have the common Seal of the Corporation affixed thereto in the presence of two members of the Standing Committee and shall also have the signature of the said two members, in the manner provided in section 125.

(6) No contract for the acquisition of immovable property or any interest therein or any right thereto not executed as provided in sub-section (4) shall be binding on the Corporation.

(7) The foregoing provisions of this section which apply to an original contract relating to the acquisition of immovable property, or any interest therein, or any right thereto, shall be deemed to apply also to any variation or discharge of such contract.

Procedure when immovable property cannot be acquired by agreement.

147. (1) Whenever the Commissioner is unable to acquire any immovable property under the last preceding section by agreement, the Government may, in their discretion, upon the application of the Commissioner, made with the approval of the Standing Committee and subject to the other provisions of this Act, order proceedings to be taken for acquiring the same on behalf of the Corporation, as if such property were land needed for a public purpose within the meaning of the Hyderabad Land Acquisition Act, 1309 Fasli.

(2) The amount of compensation awarded and all other charges incurred in the acquisition of any such property shall, subject to all other provisions of this Act, be forthwith paid by the Commissioner and thereupon the said property shall vest in the Corporation.

Disposal of Property.

Disposal of property and interests therein.

148. (1) Subject to the provisions of section 124, the Commissioner may dispose of by sale or exchange any movable property belonging to the Corporation the value of which does not exceed rupees five hundred in each instance, or grant for any term not exceeding twelve

months a lease of any immovable property belonging to the Corporation or lease or concession of any right of fishing or grazing or of gathering and taking fruit and the like :

Provided that every such disposal, lease or concession made or granted by the Commissioner shall be reported to the Standing Committee within fifteen days.

(2) With the sanction of the Standing Committee, the Commissioner may dispose of by sale or exchange any movable property belonging to the Corporation the value of which does not exceed rupees five thousand in each instance, or grant for any term not exceeding three years a lease of any immovable property belonging to the Corporation or a lease or concession of any such right as aforesaid.

(3) With the sanction of the Corporation, the Commissioner may lease, sell or otherwise dispose of any movable or immovable property belonging to the Corporation.

(4) The sanction of the Standing Committee under sub-section (2) or that of the Corporation under sub-section (3) may be given either generally or for any class of cases or specially for any particular case.

(5) The Commissioner may lend or let out on hire any movable property belonging to the Corporation on such conditions and for such periods as may be specified in regulations made by the Standing Committee in that behalf.

CHAPTER VI.

BORROWING POWERS.

Powers to borrow from Central or State Government or other persons.

149. The Corporation may, from time to time, borrow or re-borrow and take up at interest from the Central or the State Government or with the sanction of the Government, from any other person, any sum necessary for the purpose of—

(a) defraying any costs, charges or expenses incurred or to be incurred by them in the execution of this Act,

(b) discharging any loan contracted under this Act or any other loan or debt for the repayment of which they are liable,

(c) making good any deficit in budget estimate, framed under section 184,

(d) generally, carrying out the purposes of this Act.

Provisions applicable to any new loan contracted with Central or State Government.

150. If any new loan shall be contracted by the Corporation under this Act with the Central or the State Government, the same shall be subject to such terms and conditions as regards the period and manner of repayment security and the rate of interest, as may be fixed by the Central Government, or as the case may be, by the State Government.

Mortgage of taxes or immovable property.

151. (1) The Corporation may borrow or reborrow any such sum as aforesaid from any person other than the Central or the State Government on the security of any immovable property belonging to them or proposed to be acquired by them under this Act or of all the taxes or of any tax which they are authorised to levy for the purposes of this Act or of all or any of those securities.

(2) And for the purpose of securing the repayment of any sum so borrowed, with interest thereon, they may mortgage to the person by or on behalf of whom such sum is advanced, any such immovable property or tax or the said undertaking.

Provisions as to exercise of borrowing powers.

152. The exercise of the powers of borrowing conferred by this Act shall be subject to the following provisions, namely :

(a) money shall not be borrowed for the execution of any work other than a permanent work including under this expression any work, of which the cost ought, in the opinon of the Government, to be spread over a term of years ;

(b) the money may be borrowed for such time, not exceeding sixty years, as the Corporation, with the sanction of the Government determine in each case ;

(c) the Corporation shall either pay off the money so borrowed, within the period sanctioned, by equal annual instalments of principal or of principal and interest, or in such other manner as may be approved by the Government, or they shall in every year set apart as a sinking fund and accumulate in the way of compound interest, by investing the same in the purchase of public securities, such sum as will, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the moneys

so borrowed within the period sanctioned or within such other period as may be approved by the Government;

(d) the Corporation may at any time apply the whole or any part of a sinking fund set apart under this section in or towards the discharge of the moneys for the repayment of which the fund has been established:

Provided that the Corporation pay into the fund each time that interest which would have been received by them in respect of the sinking fund or the part or the sinking fund so applied, and accumulate, until the whole of the moneys borrowed are discharged, a sum equivalent to the interest which would have been so received;

(e) the investment every year of any sum set apart as portion of the principal of a sinking fund shall be made within fifteen days after the day on which the second half-yearly payment of interest is due by the Corporation in respect of the loan for the repayment of which such sinking fund is established; and the reinvestment of any sum received by the Corporation on account of interest on moneys appertaining to a sinking fund already invested, and the investment of any sum payable into the fund under clause (d) as the equivalent of interest which the Corporation would have received, if the sinking fund or a part thereof had not been applied in any manner authorised by the said clause, shall be made within one month from the day on which such interest is received or from the day on which such interest would have been received, as the case may be:

Provided that during the year in which the loan for repayment of which a sinking fund has been established is due for repayment, the sum to be set apart as portion of the principal of such sinking fund and the sum received on account of interest on moneys forming part of such sinking fund may be retained by the Corporation in such form as they think fit;

(f) where money is borrowed for the purpose of discharging a previous loan, the time for repayment of the money so borrowed shall not, unless sanctioned by the Government, extend beyond the unexpired portion of the period for which the original loan was sanctioned and shall in no case be extended beyond the period of sixty years from the date of the original loan.

Investment of sinking fund and surplus moneys in debentures issued by the Corporation.

153. (1) In respect of any sinking fund which by this Act the Corporation are directed or empowered to invest in public securities, and in respect of any surplus moneys which by this Act the Commissioner on behalf of the Corporation is empowered to invest in like securities, it shall be lawful for the Corporation to reserve and set apart for the purpose of any such investment any debentures issued or to be issued on account of any loan for which the sanction of the Government shall have been duly obtained under section 149, provided that the intention so to reserve and set apart such debentures shall have been notified as a condition of the issue of the loan.

(2) the issue of any such debentures direct to and in the name of the Municipal Commissioner, for the city of on behalf of the Corporation shall not operate to extingush or cancel debentures, but every debenture so issued shall be valid in all respects as if issued to and in the name of any other person.

(3) the purchase by, or the transfer, assignment or endorsement to, the Corporation or to the Commissioner on behalf of the Corporation of any debenture issued by the Corporation for the Improvement of the City shall not operate to extinguish or cancel any such debenture, but the same shall be valid and negotiatble in the same manner and to the extent as if held by, or transferred, assigned or endorsed to any other person.

Annual examination of sinking funds.

154. (1) All sinking funds established under this Act shall be subject to annual examination by the Account-General, Hyderabad, who shall ascertain whether the cash and the value of the securities belonging thereto are actually equal to the amount which should be at the credit of such funds had investments been regularly made and had the rate of interest as originally estimated been obtained therefrom.

(2) The amount which should be at the credit of a sinking fund shall be calculated on the basis of the present value of all future payments required to be made to such fund under the provisions of this Act, on the assumption that all investments are regularly made and the rate of interest as originally estimated is obtained therefrom.

(3) The securities belonging to a sinking fund shall be valued for the purposes of this section at their current market value, except in the case of debentures issued

under this Act which shall always be valued at par, provided that the Corporation shall make good immediately any loss which may accrue on the actual sale of such debentures at the time of the repayment of the loan.

(4) The Corporation shall forthwith pay into any sinking fund any amount which the Accountant-General, Hyderabad State, may certify to be deficient, unless the Government specially sanctions a gradual readjustment.

(5) If the cash and the value of the securities at the credit of any sinking fund are in excess of the amount which should be at its credit, the Accountant-General, Hyderabad State, shall certify the amount of such excess sum and the Corporation may thereupon transfer the excess sum to the municipal fund.

(6) If any dispute arises as to the accuracy of any certificate made by the Account-General, Hyderabad State under sub-section (4) or (5) the Corporation may, after making the payment or tranfer, as the case may be, refer the matter to the Government whose decision shall be final.

Corporation may take advances from banks and grant mortgages.

155. (1) Notwithstanding anything contained in sections 149, 151 and 152 the Corporation may, with the previous sanction of the Government, and for the purpose of discharging any liability take from any bank or banks credit on a cash account to be opened and kept with such bank or banks in the name of the Corporation, for a sum not exceeding in the aggregate rupees fifteen lakhs on the security of all or any of the taxes which the Corporation are authorised to levy for the purposes of this Act.

(2) The Corporation may, also with the previous sanction of the Government and subject to the provisions of this Act, mortgage any lands or property vesting or revesting or belonging to the Corporation in security of the payment of the amount of such creditor of the sums advanced from time to time on such cash account with interest thereon.

Corporation to have power to borrow from banks against Government promissory notes or securities.

156. Notwithstanding anything contained in sections 149 and 152 the Corporation may also borrow for the purpose of this Act, from any bank or banks in which under section 178 the surplus moneys at the credit of the municipal fund may be deposited, against any Government promissory notes or other securities in which for

the time being the cash balance of the Corporation may be invested.

Form of security.

157. (1) Every mortgage authorised to be made under this Chapter other than a mortgage made under section 155 shall be by debenture in the form contained in Schedule D or in such other form as the Corporation, with the consent of the Government shall, from time to time, determine.

(2) Every debenture issued under this Act shall be transferable by endosement.

(3) The right to payment of the moneys secured by any of such debentures and to sue in respect thereof shall vest in the holder thereof for the time being, without any preference by reason of some of such debentures being prior in date to others.

Issue of duplicate securities.

158. (1) When a debenture issued under this Act relating to the Municipal Government is alleged to have been lost, stolen or destroyed either wholly or in part and a person claims to be the person to whom but for the loss, theft or destruction, it would be payable, he may, on application to the Commissioner, and on producing proof to his satisfaction of the loss, theft or destruction and of the justice of the claim, obtain from him an order—

(a) if the debenture alleged to have been lost, stolen or destroyed is payable more than six years after the date of publication of the notification referred to in sub-section (2),

(i) for the payment of interest in respect of the debenture pending the issue of duplicate debenture, and

(ii) for the issue of a dupilcate debenture payable to the applicant, or

(b) if the debenture alleged to have been lost, stolen or destroyed is payable not more than six years after the date of publication of the notification referred to in sub-section (2),

(i) for the payment of interest in respect of the debenture without the issue of a duplicate debenture, and

(ii) for the payment to the applicant of the principal sum due in respect of the debenture on or after the date on which the payment becomes due.

(2) An order shall not be passed under sub-section (1) until after the issue of such notification of the loss, theft or destruction of the debenture and after the expiration of such period as may be determined by the Corporation, nor until the applicant has given such indemnity as may be required by the Corporation against the claims of all persons deriving title under the debenture lost, stolen or destroyed.

(3) A list of the debentures in respect of which an order is passed under sub-section (1) shall be published in the Official Gazette.

(4) If at any time before the Corporation becomes discharged under the provisions of section 162 from liability in respect of any debenture the whole of which is alleged to have been lost, stolen or destroyed, such debenture is found, any order passed in respect thereof under this section shall be cancelled.

Renewal of debentures.

159. Subject to the provisions of section 160 a person claiming to be entitled to a debenture issued under this Act may on applying to the Commissioner and on satisfying him of the justice of his claim and delivering the debenture receipted in such manner and paying such fee as may be determined by the Commissioner obtain a renewed debenture payable to the person applying.

Renewal of debentures in cases of dispute as to title.

160. (1) Where there is a dispute as to the title to a debenture issued under this Act in respect of which an application for renewal has been made, the Commissioner may—

(a) where any party to the dispute has obtained a final decision from a Court of competent jurisdiction declaring him to be entitled to such debenture, issue a renewed debenture in favour of such party, or,

(b) refuse to renew the debenture until such a decision has been obtained, or,

(c) after such inquiry as is hereinafter provided and on consideration of the result thereof, declare by order in writing which of the parties is in his opinion entitled to such debenture and may, after the expiration of three months from the date of such declaration, issue a renewed debenture in favour of such party in accordance with the provisions of section 159 unless within that period he has received notice that proceedings have been instituted by any person in a court

of competent jurisdiction for the purpose of establishing a title to such debenture.

Explanation.—For the purposes of this sub-section the expression 'final decision' means a decision which is not appealable or a decision which is appealable but against which no appeal has been filed within the period of limitation allowed by law.

(2) For the purposes of the inquiry referred to in Clause (c) of sub-section (1) the Commissioner may himself record or may request the Chief City Magistrate or the District Magistrate as the case may be to record or cause to be recorded, the whole or any part of such evidence as the parties may produce. The Chief City Magistrate or the District Magistrate to whom such request has been made, may himself record the evidence or may direct any Magistrate subordinate to him to record the evidence and shall forward the record of such evidence to the Commissioner.

(3) The Commissioner or any Magistrate acting under this section may, if he thinks fit, record the evidence on oath.

Liability in respect of debenture renewed.

161. (1) When a renewed debenture has been issued under section 159 in favour of any person, the debenture so issued shall be deemed to constitute a new contract between the Corporation and such person and all persons deriving title thereafter through him.

(2) No such renewal shall affect the rights as against the Corporation of any other person to the debenture so renewed.

Discharge in certain cases.

162. When a duplicate debenture has been issued under section 158, or when a renewed debenture has been issued under section 159 or section 160, or when the principal sum due on a debenture in respect of which an order has been made under section 158, for the payment of the principal sum without the issue of a duplicate debenture has been paid on or after the date on which such payment became due, the Corporation shall be discharged from all liability in respect of the debenture in place of which a duplicate or renewed debenture has been so issued, or in respect of which such payment has been made, as the case may be—

(a) in the case of a duplicate debenture, after the lapse of six years from the date of the publication of

the notification referred to in sub-section (3) of section 158 or from the date of the last payment of interest on the original debenture, whichever date is later,

(b) in the case of a renewed debenture after the lapse of six years from the date of the issue thereof, and

(c) in the case of payment of the principal sum without the issue of a duplicate debenture, after the lapse of six years from the date of the publication of the notification referred to in sub-section (3) of section 158.

Indemnity.

163. Notwithstanding anything in section 159 or 160, the Commissioner may in any case arising under either of those sections—

(1) issue a renewed debenture upon receiving such indemnity in favour of the Corporation and the Commissioner as he shall think fit against the claims of all persons claiming under the original debenture, or

(2) refuse to issue a renewd debenture unless such indemnity is given.

Right of survivors of joint payees of securities.

164. (1) Nothwithstanding anything in section 45 of the Indian Contract Act, 1872, when any debenture issued under this Act is payable to two or more persons jointly and either or any of them dies, the debenture shall be payable to the survivor or survivors of those persons.

(2) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the debenture jointly payable to him or them and the deceased.

(3) This section shall apply whether the death of the person to whom the debenture or security was jointly payable occurred or occurs before or after this section comes into force.

Power of one or two or more joint holders to grant receipts.

165. Notwithstanding anything in section 45 of the Indian Contract Act, 1872, when two or more persons are joint holders of any debenture issued under this Act, any one of those persons may give an effectual receipt for any interest or dividend payable in respect of such debenture unless notice to the contrary has been given to the Commissioner by any other of the holders.

Issue stock certificates.

166. (1) The Standing Committee at its discretion may at the time of issue or at any time during the currency of any debenture or security issued under this Act upon the application of the subscriber for, or holder of any such debenture or security, issued to him in lieu of the debenture or security deliverable to or held by him, a certificate in the nature of a stock certificate in respect of the loan to which such debenture or security relates, which shall be in such form as the Corporation with the time determine, and all the provisions as to interest or previous consent of the Government shall from time to dividend on such debentures or securities shall, so far as may be, apply to the interest on the stock certificate.

(2) The repayment of the principal sum mentioned in a stock certificate issued under sub-section (1) in lieu of a debenture or any other security, not being a debenture issued under this Act in renewal of such a debenture, and the interest payable thereon shall be deemed to be secured by a mortgage of a proportion of all the taxes which may be levied under this Act in the same manner and to the same extent as if a debenture for the same sum has been issued in the form contained in Schedule D to this Act.

(3) The Standing Committee shall upon the application of the holder of a stock certificate convert the same into debentures or securities of the loan to which it relates.

(4) The Corporation may from time to time make, alter or rescind bye-laws regulating—

(a) the amounts for which stock certificates may be issued;

(b) the fees to be levied in respect of the issue of stock certificates;

(c) the form of keeping a register of the holders of stock;

(d) the mode in which payment of interest to holders of stock is to be made, recorded and acknowledged;

(e) the form of transfer to be used, the formalities to be observed and the fees to be levied on a transfer of stock;

(f) the circumstances and manner in which duplicate stock certificates may be issued and the fees to be

levied or the indemnity to be required on any such issue;

(g) generally the measures to be adopted for carrying out the objects of this section.

(5) No bye-law or alteration or rescission of a bye-law shall have effect until the same shall have been approved by the Government and such approval shall have been published in the Official Gazette.

Annual statement to be prepared by Commissioner.

167. (1) The Commissioner shall at the end of each year prepare a statement showing—

(a) the loans borrowed in previous years for which the Corporation is liable and which have not been completely repaid before the commencement of the year with particulars of the amount outstanding at the commencement of the year; the date of borrowing and the annual loan charges;

(b) the loans borrowed by the Corporation in the year with particulars as to the amount and the date of borrowing and the annual loan charges;

(c) in the case of every loan for which a sinking fund is maintained the amount of accumulation in the sinking fund at the close of the year showing separately the amount paid to the credit of the fund in the year;

(d) the loans repaid in the year and, in the case of the loans repaid in instalments or by annual drawings, the amounts repaid in the year, and the balance due at the close of the year;

(e) the particulars of securities in which the sinking funds have been invested or reserved therefor.

(2) Every such statement shall be laid before a meeting of the Corporation and shall be published in the official Gazette and a copy of such statement shall be sent to the Government, and to the Accountant-General, Hyderabad State.

Attachment of municipal fund for recovery of money borrowed from Government.

168. (1) If any money borrowed by the Corporation from the Government, whether before or after the commencement of this Act, or any interest or costs due in respect thereof, be not repaid according to the conditions of the loan, the Government may attach the municipal fund or any part thereof.

(2) After such attachment, no person except an officer appointed in this behalf by the Government shall in any way deal with the attached fund; but such officer may do all acts in respect thereof which any municipal authority, officer or servant might have done if such attachment had not taken place, and may apply the proceeds in satisfaction of the arrears and of all interest and costs due in respect thereof and of all expenses caused by the attachment and subsequent proceedings:

Provided that no such attachment shall defeat or prejudice any debt for which the fund attached was previously charged in accordance with law; but all such prior charges shall be paid out of the proceeds of the fund before any part of the proceeds is applied to the satisfaction of the debt due to the Government.

CHAPTER VII.

REVENUE AND EXPENDITURE.

The Municipal Fund.

Constitution of Municipal Fund.

169. (1) Subject to the provisions of this Act and the rules and bye-laws—

(a) all moneys received by or on behalf of the Corporation under the provisions of this Act or of any other law for the time being in force, or under any contract,

(b) all proceeds of the disposal of property by or on behalf of the Corporation,

(c) all rents accuring from any property of the Corporation,

(d) all moneys raised by any tax levied for the purposes of this Act,

(e) all fees and fines payable and levied under this Act or under any rule, bye-law or standing order in force thereunder,

(f) all moneys received by way of compensation or for compounding offences under the provisions of this Act,

(g) all moneys received by or on behalf of the Corporation from the Government or public bodies, private bodies or private individuals by way of grant or gift or deposit, subject, however, to the conditions, if any, attached to such grant, gift or deposit, and

(h) all interest and profits arising from any investment of or from any transaction in connection with any money belonging to the Corporation,

shall be credited to a fund which shall be called 'the Municipal Fund, and which shall be held by the Corporation in trust for the purposes of this Act, subject to the provisions herein contained.

(2) The Municipal Fund constituted under sub-section (1) shall include the accumulated balances at the credit of the Corporation immediately before coming into force of this Act.

Commissioner to receive payments on account of the municipal fund and to lodge them in a bank.

170. All moneys payable to the credit of the municipal fund shall be received by the Commissioner and shall be forthwith paid into the Hyderabad State Bank to the Credit of an account which shall be styled "the account of the municipal fund of the City of.....".

How the fund shall be drawn against.

171. (1) Subject to the provisions of section 678 no payment shall be made by the Bank aforesaid out of the municipal fund except on a cheque signed by two persons in the manner specified below, namely—

(a) by either the Commissioner or Deputy Commissioner, or in the absence of both, by the Assistant Commissioner;

(b) by either the Examiner of Accounts or in his absence by the Officer immediately subordinate to him.

(2) Payment of any sum due by the Corporation in excess of rupees one hundred shall be made by means of a cheque signed as a foresaid and not in any other way.

(3) Payment of any sum due by the Corporation, not exceeding rupees one hundred in amount, may be made by the Commissioner in cash, cheques for sums not in excess of rupees one thousand each, signed as aforesaid, being drawn from time to time to cover such payments.

Only sums covered by a budget grant to be expended from municipal fund.

172. (1) Except as hereinafter provided, no payment of any sum shall be made by the Commissioner out of the municipal fund, unless the expenditure of the same is covered by a current budget grant, and sufficient balance of such budget grant is still available, notwithstanding any reduction or transfer thereof which may have been made under section 191 or section 192.

Exceptions.

(2) The following items shall be excepted from the prohibition, imposed by subsection (1), namely:—

(a) sums of which the expenditure has been sanctioned by the Standing Committee under section 190;

(b) temporary payments under section 176 for works urgently required in the public service;

(c) refunds of taxes and other moneys which the Commissioner is by or under this Act authorised to make;

(d) repayments of moneys belonging to contractors or other persons held in deposit and of moneys collected or credited to the municipal fund by mistake;

(e) sums which the Commissioner is by sub-section (2) of section 293 sections 398 and 406, sub-section (2) of section 522, sub-section (4) of section 556, section and clause (b) of sub-section (2) of section 667 required or empowered to pay by way of compensation;

(f) sums payable in any of the circumstances mentioned in clause (f) of section 174;

(g) expenses incurred by the Commissioner in the exercise of the powers conferred upon him by section 565;

(h) costs incurred by the Commissioner under clause (c) of sub-section (3) of section 117.

(3) In sub-section (1) "budget grant" means a budget grant within the meaning of that term as defined in section 188 and includes any sum by which such budget grant may at any time be increased by a transfer under sub-section (1) of section 191.

Procedure when money not covered by a budget grant is expended under clauses (e), (f), (g) or (h) of section 172.

173. Whenever any sum is expended by the Commissioner under clauses (e), (f), (g) or (h) of sub-section (2) of section 172, he shall forthwith communicate the circumstances to the Standing Committee, which shall take such action under sub-section (2) of section 191 or recommend the Corporation to take, under section 189 or under sub-section (1) of section 191, such action as shall in the circumstances, appear proper and expedient for covering the amount of the additional expenditure.

Purpose for which Municipal Fund is to be applied.

174. The moneys from time to time, credited to the Municipal Fund shall be applied in payment of all sums, charges and costs necessary for carrying this Act into effect, or of which the payment shall be duly directed or sanctioned under any of the provisions of this Act or of any other law for the time being in force inclusive of—

(a) the expenses of every election held under this Act;

(b) the contributions required to be made under sub-section (2) of section 131;

(c) the salaries and other allowances of all municipal officers and servants and all contributions to provident funds, pension, gratuities payable under the provisions of this Act or the bye-laws or of the statement framed under this Act for the time being in force;

(d) all expenses and costs incurred by the Commissioner in the exercise of any power or the discharge of any duty conferred or imposed upon him by this Act, including moneys which he is required or empowered to pay by way of compensation;

(e) any sum chargeable under section 196;

(f) every sum payable—

(i) under section 664 or sub-section (1) of section 678 to the Government;

(ii) under a decree or order of a civil or criminal court passed against the Corporation or against the Commissioner, Deputy Commissioner or Assistant Commissioner, in their capacities as such;

(iii) under a compromise of any suit or other legal proceeding or claim effected under section 674;

(g) contributions to public institutions;

(h) conveyance allowance to the Mayor and the Councillors of the Corporation for attending any meeting of the Corporation of Committee appointed under this Act.

Municipal fund where to be expended.

175. Expenditure by the Corporation out of the Municipal Fund shall, save as otherwise provided by this Act, be made within the city only, but may, by a resolution of the Corporation supported by not less than half the total number of councillors, be made outside the city for any of the purposes of this Act.

Temporary payments from the municipal fund for works urgently required for public service.

176. (1) On the written requisition of a Secretary to the Government the Commissioner may at any time undertake the execution of any work certified by such Secretary to be urgently required in the public service, and for this purpose may temporarily make payments from the municipal fund, so far as the same can be made without unduly interfering with the regular working of the Municipal Government. The cost of all work so executed and of the establishment engaged in executing the same

shall be paid by the Government and credited to the Municipal Fund.

(2) On receipt of any requisition under sub-section (1), the Commissioner shall forthwith forward a copy thereof to the Corporation, together with a report of the steps taken by him in pursuance of the same.

Special Funds.

Constitution of Special Funds.

177. The Corporation may constitute such special funds as may be prescribed and such other funds as may be necessary for the purposes of this Act. The constitution and disposal of such funds shall be effected in the manner prescribed.

Disposal of Balances.

Investment of surplus money.

178. (1) Surplus moneys at the credit of the municipal fund which cannot immediately or at an early date be applied to the purposes of this Act or of any loan raised thereunder may be, from time to time, deposited at interest in the Hyderabad State Bank or be invested in public securities.

(2) All such moneys which are required to be kept readily available for application to purposes of this Act and all such surplus moneys which cannot in the opinion of the Commissioner and the Standing Committee be deposited or invested in the manner specified under sub-section (1) may be deposited at such bank or banks in the City which the Corporation may, subject to the approval of the Government, from time to time select for the purpose.

(3) All such deposits and investments shall be made by the Commissioner on behalf of the Corporation with the sanction of the Standing Committeee, and, with the like sanction, the Commissioner may at any time withdraw any deposit so made or dispose of any securities and redeposit or reinvest the money so withdrawn or the proceeds of the disposal of such securities; but no order for making any deposit or investment, withdrawal or disposal under this section shall have any validity unless the same be in writing, signed by two persons in the manner specified in sub-section (1) of section 171 for signing of cheques.

(4) The loss, if any, arising from any such deposit or investment shall be debited to the Municipal Fund.

Accounts to be kept in forms specified by Standing Committee.

179. Subject to the provisions of this Act, accounts of the receipt and expenditue of the Corporation shall be kept in such manner and is such forms as the Standing Committee shall from time to time specify.

Preparation of Annual Administration Report and Statement of Accounts.

180. (1) The Commissioner shall, as soon as may be after each first day of April, cause to be prepared a detailed report of the municipal administration of the City during the previous financial year, together with a statement showing the amounts of the receipts and disbursements credited and debited to the Municipal Fund during the said year and the balance at the credit of the Fund at the close of the said year and shall submit the same to the Standing Committee.

(2) the Commissioner shall incorporate with the said report and statement—

(a) report for the same period from each head of a department subordinate to him;

(b) the account of balances due on loans then last published under section 167.

(3) After examination and review of the report and statement by the Standing Committee a printed copy of such report and statement together with a copy of the Committee's review shall be forwarded to the usual or last known local place of abode of each Councillor by such date as the Standing Committee may from time to time, specify and copies thereof, shall be placed for sale at the Chief Municipal Office at such price as the Commissioner may fix.

Report and statement to be laid before the Assembly.

181. (1) The Commissioner shall forward a copy of each of the report and statement prepared by him under section 180 together with a copy of the Committee's review to the Local Government Department for the purpose of being laid before the Legislative Assembly of the State.

(2) On receipt of such report and statement the Secretary to Government, Local Government Department shall with such comments, if any, as he may deem necessary to make thereon take steps to cause the said report and statement to be laid without delay before the Legislative Assembly.

Estimates of income and expenditure to be prepared annually by Commissioner.

182. The Commissioner shall on or before each tenth day of November, cause to be prepared and lay before the Standing Committee, in such form as the said Committee shall from time to time approve :—

(a) an estimate of the expenditure which must or should, in his opinion, be incurred by the Corporation in the next ensuing financial year ;

(b) an estimate of all balances, if any, which will be available for reappropriation or expenditure at the commencement of the next ensuing financial year;

(c) an estimate of the Corporation's receipt and income for the next ensuing financial year other than from taxation ;

(d) a statement of proposals as to the taxation which it will, in his opinion, be necessary or expedient to impose under the provisions of this Act in the next ensuing financial year.

Classification of budget heads.

183. The expenditure side of a budget estimate shall be classified under major heads, minor heads, subordinate heads and primary units :—

(a) 'Major head' means the principal head of accounts corresponding to the different services under which expenditure is classified in the budget estimate, and may be divided into two or more minor heads ;

(b) 'Minor head' means the head of accounts immediately subordinate to a major head under which each major head is classified and may be further subdivided into two or more subordinate heads ;

(c) 'Subordinate head' means the head of accounts immediately subordinate to a minor head under which each minor head is classified and may be further subdivided into two or more primary units ;

(d) 'Primary unit' means the ultimate group or groups into which individual items of expenditure in the budget estimates are arranged.

Budget estimates to be prepared by the Standing Committee.

184. (1) The Standing Committee shall on or as soon as may be after each tenth day of November consider the estimates and proposals of the Commissioner after having obtained from the Commissioner such further detailed information, if any, as they shall think fit to require and having regard to the requirements of this Act shall frame therefrom subject to such modifications and

additions therein or thereto as they consider them fit a budget estimate of the income and expenditure of the Corporation for the next financial year.

(2) The budget estimate of a Standing Committee shall :—

(a) propose with reference to the provisions of Chapter VIII the levy of municipal tax at such rates and in the case of octroi on such articles as they shall think fit ;

(b) provide for the payment, as they fall due of all sums and of all instalments of principal and interest for which the Corparation may be liable under this Act ;

(c) allow for the appropriation of any special funds of the sum estimated by the Corporation, revised as it thinks proper ;

(d) provide any funds it considers from the balances of any special funds maintained under section 177;

(e) allow for the appropriation of any special funds year exclusive of the balances, if any, in any special fund constituted under section 177 of a sum prescribed in this behalf.

(3) The Commissioner shall cause the budget estimates as finally approved by the Standing Committee to be printed and shall not later than the 15th day of December forward a printed copy thereof with a usual or last known local place of abode of each Councillor.

Consideration of Budget estimate by Corporation.

185. At a meeting of the Corporation which shall be called for some day in January, not later than the tenth, the budget estimate, prepared by the Standing Committee with the report of the Standing Committee thereon shall be laid before the Corporation and they shall proceed to consider the same.

Fixing of rates of taxes.

186. The Corporation shall, on or before the twentieth day of February, after considering the Standing Committee's proposals in this behalf, determine, subject to the limitations and conditions provided in Chapter VIII, the rates at which municipal taxes referred to in section 197 shall be levied in the next ensuing financial year.

Final adoption of budget estimates.

187. Subject to the requirements of section 186 the Corporation may refer the budget estimate back to the Standing Committee for further consideration, or adopt the budget estimates or any revised budget estimates

submitted to them as they stand or subject to such alteration as they deem expedient:

Provided that the budget estimates finally adopted by the Corporation shall fully provide for each of the matters specified in clauses (b), (c) and (e) of sub-section (2) of section 184.

Budget grant defined.

188. The total sum entered under a major head on the expenditure side which has been adopted by the Corporation shall be termed a 'budget grant.'

Corporation may increase amount of budget grants and make additional grants.

189. (1) On the recommendation of the Standing Committee, the Corporation may from time to time during a final year increase the amount of any budget grant, or making an additional budget grant for the purpose of meeting any special or unforeseen requirement arising during the said year, but not so that the estimated cash balance at the close of the year shall be reduced below the prescribed sum under clause (e) of sub-section (2) of section 184.

(2) Such increased or additional budget grants shall be deemed to be included in the budget estimates adopted by the Corporation for the year in which they are made.

Unexpended budget grants.

190. If the whole budget grant or any portion thereof remains unexpended at the close of the year in the budget estimate for which such grant was included and if the amount thereof has not been taken into account in the opening balance of the municipal fund the Standing Committee may sanction the expenditure of such budget grant or such unexpended portion thereof, as the case may be, during the next two following years for the completion, according to the original intention or sanction, of the purpose or object for which the budget grant was made, but not upon any other purpose or object.

Reductions or transfer.

191. (1) Subject to the provisions of sub-section (1) of section 189, the Corporation may, on the recommendation of the Standing Committee, from time to time, during a financial year sanction the transfer of any amount from one budget grant to another.

(2) The Standing Committee may at any time during a financial year—

(a) reduce the amount of a budget grant;

(b) sanction the transfer of any amount within a budget grant from one minor head to another or from

a subordinate head under one minor head to a subordinate head under another minor head ; or

(c) sanction the transfer of any amount exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another.

(3) The Commissioner may, at any time during a financial year, sanction the transfer of any amount not exceeding rupees five thousand within a minor head from one subordinate head to another or from one primary unit to another, if such transfer does not involve a recurring liability :

Provided that every transfer of an amount exceeding rupees five hundred made under sub-section (3) shall be reported forthwith by the Commissioner to the Standing Committee and that the said Committee may pass with regard thereto such order as they may think fit ; and it shall be incumbent on the Commissioner to give effect to such order.

(4) When making any transfer under sub-sections (1), (2) and (3), due regard shall be had to all the requirements of this Act.

(5) If any such reduction as is referred to in clause (a) of sub-section (2) exceeds rupees five hundred, the Corporation may pass with regard thereto such order as they may think fit, and it shall be incumbent on the Standing Committee and the Commissioner to give effect to such order.

Readjustment of income and expenditure to be made by the Corporation during the course of financial year whenever necessary.

192. (1) If it shall at any time during any financial year appear to the Corporation, upon the representation of the Standing Committee, that notwithsanding any reduction of budget grants that may have been made under section 191, the income of the municipal fund during the said year will not suffice to meet the expenditure sanctioned in the budget estimates of the said year as so reduced and to leave at the close of the year a cash balance of not less than the prescribed sum in the case of the municipal fund, it shall be incumbent on the Corporation to sanction forthwith any measure which shall be necessary for proportioning the year's income to the expenditure.

(2) For the purpose of sub-section (1) the Corporation may diminish the sanctioned expenditure of the year, so far as it may be possible so to do with due regard to the provisions of this Act.

Weekly scrutiny of accounts by Examiner of Accounts and scrutiny of accounts by the Standing Committee.

193. (1) The Municipal Examiner of Accounts shall conduct a weekly examination and audit of the municipal accounts and shall report thereon to the Standing Committee which may also from time to time and for such period as it thinks fit conduct independently an examination and audit of the municipal accounts.

(2) For the purposes of sub-section (1) the Standing Committee and the Municipal Examiner of Accounts shall have access to all the municipal accounts and to all records and correspondence relating thereto, and the Commissioner shall forthwith furnish to the Standing Committee or the Municipal Examiner of Accounts any explanation concerning receipts and disbursement which they call for.

Duties and Powers of the Municipal Examiner of Accounts.

194. The Municipal Examiner of Accounts in addition to any other duties or powers imposed or conferred upon him under this Act shall perform the duties and may exercise the powers specified in Schedule E.

Report by Examiner of Accounts.

195. (1) The Municipal Examiner of Accounts shall—

(a) report to the Standing Committee any material impropriety or irregularity which he may at any time observe in the expenditure or in the recovery of money due to the Corporation or in the municipal accounts;

(b) furnish to the Standing Committee such information as the said Committee may from time to time require concerning the progress of the audit.

(2) The Standing Committee shall cause to be laid before the Corporation every report made by the Municipal Examiner of Accounts to the Standing Committee and every statement of the views of the Municipal Examiner of Accounts on any matter affecting the performance and exercise of the duties and powers assigned to him under this Act which the Municipal Examiner of Accounts may require the Standing Committee to place before the Corporation, together with a report stating what orders, if any, have been passed by the Standing Committee upon such report or statement, and the Corporation may take such action in regard to the matters aforesaid as the Corporation may deem necessary.

(3) As soon as may be after the commencement of each financial year the Municipal Examiner of Accounts shall deliver to the Standing Committee a report upon

the whole of the municipal accounts for the previous financial year.

(4) The Commissioner shall cause the said report to be printed and a copy thereof forwarded to each Councillor along with the printed copy of Administration Report and Statement of Accounts referred to in section 180.

A special audit may be directed by the Government.

196. (1) The Government may at any time appoint an auditor for the purpose of making a special audit of the municipal accounts, and of reporting thereon to the Government and the cost of any such audit as determined by the Government shall be chargeable to the Municipal Fund.

(2) An auditor so appointed may exercise any power which the Municipal Examiner of Accounts may exercise.

CHAPTER VIII.

Municipal Taxation.

Taxes to be imposed under this Act.

197. (1) (i) For the purposes of this Act, the Corporation shall impose the following taxes, namely :—

(a) taxes on lands and buildings ;

(b) octroi ;

(c) taxes on vehicles ;

(d) taxes on animals and boats ;

(e) taxes on professions, trades, callings and employments ;

(f) taxes on advertisements other than advertisements published in the newspapers ;

(g) a tax on transfer of immovable property.

(ii) In addition to the taxes specified in clause (i) the Corporation may for the purposes of this Act and subject to the provisions thereof also impose any of the following taxes :—

(a) taxes on entertainments ;

(b) a toll on animals and vehicles.

(2) The Corporation may impose any tax other than those specified under sub-section (1) subject to the previous sanction of the Government.

(3) The taxes specified in sub-sections (1) and (2) shall be assessed and levied in accordance with the provisions of this Act and rules made thereunder.

Notice regarding levy of Taxes.

198. (1) Before the Corporation passes any resolution imposing a tax specified in sub-section (1) of section 197 for the first time or at a new rate it shall direct the Commissioner to publish a notice in the Official Gazette and in the local newspaper of its intention to do so and fix a reasonable period not being less than one month from the date of publication of such notice in the Official Gazette for submission of objections. The Corporation may, after considering the objections, if any, received within the period specified, determine by resolution to levy the tax. Such resolution shall specify the rate at which, the date from which and the period of levy, if any, for which, such tax shall be levied.

(2) When the Corporation shall have determined to levy any tax for the first time or at a new rate, the Commissioner shall publish a notice in the manner laid down in sub-section (1) specifying the date from which, the rate at which, and the period of levy, if any, for which, such tax shall be levied:

Provided that if the Corporation is indebted to the Government, the rates of the taxes already levied shall not be reduced without the sanction of the Government.

Property Taxes of what to consist and at what rate leviable.

199. (1) The following taxes shall subject to exceptions, limitations and conditions herein provided be levied on buildings and lands in the City and shall hereinafter be referred to as property taxes, namely :—

(a) a general tax;

(b) a water tax;

(c) a drainage tax;

(d) a lighting tax;

(e) a conservancy tax.

(2) Save as otherwise provided in this Act these taxes shall be levied at such percentages of their rateable value as may be fixed by the Corporation:

Provided that the aggregate of the percentages so fixed shall not in the case of any land or building be less than 15 per cent or greater than 30 per cent.

Water tax on what premises levied.

200. Subject to the provisions of section 227 the water tax shall be levied only in respect of premises,—

(a) to which private water supply is furnished from, or which are connected by means of communication pipes with, any Municipal Water Works; or

(b) which are situated in a portion of the city in which the Commissioner has given public notice that sufficient water is available from Municipal Water Works for furnishing a reasonable supply to all premises in the said portion.

Conservancy tax on what premises to be levied.

201. (1) The conservancy tax shall be levied only in respect of premises—

(a) situated in any portion of the city in which public notice has been given by the Commissioner that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess-pools will be undertaken by municipal agency; or

(b) in which, wherever situate, there is a privy, water-closet, cess-pool, urinal, bathing place or cooking place connected by a drain with a municipal drain:

Provided that the said tax shall not be levied in respect of any premises situated in any portion of the city specified in clause (a), in or upon which, in the opinion of the Commissioner, no such matter as aforesaid accumulates or is deposited.

(2) Premises in respect of which the Commissioner has directed that a separate water-closet, privy or urinal need not be provided shall be deemed to be liable to the levy of conservancy tax, if, but for such direction, the tax would be leviable in respect thereof.

General tax on what premises to be levied.

202. (1) The general tax shall be levied in respect of all buildings and lands in the city except—

(a) buildings and lands solely used for purposes connected with the disposal of the dead;

(b) buildings and lands or portions thereof solely occupied and used for public worship or for a charitable or educational purpose;

(c) buildings and lands vesting in the Corporation;

(d) buildings and lands vesting in the Central Government or State Government used solely for public purposes and not used or intended to be used for purposes of profit in respect of which the said tax, if levied, would under the provisions hereinafter contained be primarily leviable from the Central Government or State Government as the case may be.

(2) Where any portion of any building or land is exempt from the general tax by reason of its being solely

occupied and used for public worship or for a charitable on educational purpose, such portion shall be deemed to be a separate property for the purpose of municipal taxation.

Payments to be made to Corporation in lieu of general tax by the Central Government or State Government, as the case may be.

203. (1) The Central Government or the State Government, as the case may be, shall pay to the Corporation annually in lieu of the general tax from which buildings and lands vesting in the said Governments respectively are exempted by clause (d) of sub-section (1) of section 202, a sum ascertained in the manner provided in sub-sections (2) and (3).

(2) The rateable value of the buildings and lands in the city vesting in the Central Government or State Government in respect of which, but for the said exemption, general tax would be leviable from the Central Government or State Government as the case may be, shall be fixed by a person, from time to time appointed in this behalf by the State Government with the concurrence of the Corporation. The said value shall be fixed by the said person, with a general regard to the provisions contained in this Act and the rules made thereunder concerning the valuation of property assessable to property taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime the number or extent of the buildings and lands vesting in the Central Government or State Government in the city materially increases or decreases.

(3) The sum to be paid annually to the Corporation by the Central Government or the State Government, as the case may be, shall be the amount which would be payable by an ordinary owner of buildings or lands in the city on account of the general tax, on a rateable value of same amount as that fixed under sub-section (2).

Liability of Property Taxes.

Primary responsibility for property taxes on whom to rest.

204. (1) Property taxes shall be leviable primarily from the actual occupier of the premises upon which the said taxes are assessed if such occupier holds the said premises immediately from the Government or from the Corporation.

(2) Otherwise the said taxes shall be primarily leviable as follows, namely :—

(a) if the premises are let, from the lessor;

(b) if the premises are sublet, from the superior lessor; and

(c) if the premises are unlet, from the person in whom the right to let the same vests.

(3) But if any land has been let for any term exceeding one year to a tenant, and such tenant has built upon the land, the property taxes assessed upon the said land and upon the building erected thereon shall be primarily leviable from the said tenant or his legal representative, whether the premises be in the occupation of the said tenant or of his legal representative, or of sub-tenant.

Apportionment of responsibility for property tax when the premises assessed are let or sublet.

205. (1) If any premises assessed to any property tax are let, and their rateable value exceeds the amount of rent payable in respect thereof to the person from whom, under the provisions of the last preceding section, the said tax is leviable, the said person shall be entitled to receive from his tenant the difference between the amount of the property tax levied from him, and the amount which would be leviable from him if the said tax were calculated on the amount of rent payable to him.

(2) If the premises are sublet and their rateable value exceeds the amount of rent payable in respect thereof to the tenant by his sub-tenant, or the amount of rent payable in respect thereof to a sub-tenant by the person holding under him, the said tenant shall be entitled to receive from his sub-tenant or the sub-tenant shall be entitled to receive from the person holding under him, as the case may be, the difference between any sum recovered under this section from which tenant or sub-tenant and the amount of property tax which would be leviable in respect of the said premises if the rateable value thereof were equal to the difference between the amount of rent which such tenant or sub-tenant receives, and the amount of rent which he pays.

(3) Any person entitled to receive any sum under this section shall have, for the recovery thereof, the same rights and remedies as if such sum were rent payable to him by the person from whom he is entitled to receive the same.

Person primarily liable for Property tax entitled to credit, if he is a rent payer.

206. If any person who is primarily liable for the payment of any property tax himself pays rent to another person other than the Government or the Corporation in respect of the premises upon which such tax is assessed, he shall be entitled to credit in account with such other person for such sum as would be leviable on account of the said tax if the amount of the rent payable by him were the rateable value of the said premises.

Notice of transfer, etc., of premises assessable to Property Tax.

Notice to be given to the commissioner of all transfers of title of persons primarily liable to payments to property tax.

207. (1) Whenever the title of any person primarily liable for the payment of property taxes on any premises, to or over such premises is transferred, the person whose title is so transferred and the person to whom the same shall be transferred shall, within three months from the date of the execution of the instrument of transfer, or its registration, if it be registered, or effecting the transfer if no instrument be executed, give notice of such transfer, in writing, to the Commissioner.

(2) In the event of the death of any person primarily liable as aforesaid, the person to whom the title of the deceased shall be transferred, as heir or otherwise, shall give notice of such transfer to Commissioner within one year from the death of the deceased.

Form of notice.

208. (1) The notice to be given under the last preceding section shall be in the Form 1 or 2, as the case may be, of Schedule F and shall state clearly and correctly all the particulars required by the said form.

(2) On receipt of any such notice, the Commissioner may, if he thinks it necessary require the production, of the instrument of transfer, if any or of a copy thereof obtained under section 57 of the Registration Act, 1908 (Central) or any evidence acceptable to the Commissioner on the point of the title of the deceased person being transferred to him as heir or otherwise.

(3) No such notice shall be deemed to be validly given unless the property taxes due at the date of notice in respect of the premises to which it relates have been paid and unless such fee as may from time to time be fixed by the Standing Committee for the acceptance of such notice has been paid.

Liability for payment of property taxes to continue in the absence of any notice of transfer.

209. (1) Every person primarily liable for the payment of a property tax on any premises who transfers his title to or over such premises without giving notice of such transfer to the Commissioner as aforesaid, shall, in addition to any other liability which he incurs through such neglect, continue liable for the payment of all property taxes from time to time payable in respect of the said premises until he gives such notice, or until the transfer shall have been recorded in the Commissioner's book.

(2) But nothing in this section shall be held to diminish the liability of the transferee for the said property taxes, or to affect the prior claim of the Commissioner on the premises conferred by section 238, for the recovery of the property taxes due thereupon.

Notice to be given to the Commissioner of the erection of a new building, etc.

210. (1) When any building is newly erected or re-erected, or when any building which has been vacant is re occupied, the person primarily liable for the property taxes assessed on the building shall within fifteen days give notice thereof, in writing, to the Commissioner.

(2) The said period of fifteen days shall be counted from the date of the completion or of the occupation, whichever first occurs, of the building which has been newly erected or re-erected and in the case of a building which has been vacant, from the date of the re-occupation thereof.

Notice to be given to the Commissioner of demolition or removal of a building.

211. (1) When any building or any portion of a building, which is liable to the payment of a property tax, is demolished or removed, otherwise than by order of the Commissioner, the person primarily liable for the payment of the said tax shall give notice thereof, in writing, to the Commissioner.

(2) Until such notice is given the person aforesaid shall continue to be liable to pay every such property tax as he would have been liable to pay in respect of such building if the same or any portion thereof, had not been demolished or removed :

Provided that nothing in this section shall apply to a building or any portion thereof which has fallen down or been burnt down.

Valuation of Property assessable to Property Taxes.

Rateable value how to be determined.

212. (1) In order to fix the rateable value of any building or land other than that specified in sub-section (2) assessable to a property tax there shall be deducted from the amount of the annual rent for which such build-

ing or land might reasonably be expected to let from year to year a sum equal to ten per cent, of the said annual rent and the said deduction shall be in lieu of all allowances for repairs or on any other account whatever.

(2) The rateable value of any vacant land not—

(a) appurtenant to a building;

(b) used for a agricultural purpose;

(c) built upon, but capable of being used for buildings; and of land on which a building is in the course of erection shall be fixed at 5 per cent of the estimated capital value of the land.

(3) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Commissioner with the approval of the Corporation, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-section(1).

(4) A statement setting out clearly the class of plant and machinery specified under sub-section (3) and describing in detail what plant and machinery falls within each such class shall be prepared by the Commissioner under the direction of the Standing Committee and shall be open to inspection at all reasonable hours by members of the public at the Chief Office of the Municipal Corporation.

(5) Printed copies of the statement prepared under sub-section (3) shall be kept at the Chief Office of the Municipal Corporation for sale at such price as the Commissioner may fix.

Commissioner may call for information or returns from owner or occupier or enter and inspect assessable Premises.

213. (1) To enable the determination of the rateable value of any building or land and the person primarily liable for the payment of any property tax leviable in respect thereof the Commissioner may require the owner or occupier of such building or land, or of any portion thereof, to furnish him, within such reasonable period as the Commissioner specifies in this behalf, with information or with a written return signed by such owner or occupier—

(a) as to the name and place of abode of the owner or occupier, or of both the owner and occupier of such building or land; and

(b) as to the dimensions of such building or land, or of portion thereof, and the rent, if any, obtained for such building, or land, or any portion thereof.

(2) Every owner or occupier on whom any such requisition is made shall be bound to comply with the same and to give true information or to make a true return to the best of his knowledge or belief.

(3) The Commissioner may also for the purpose aforesaid make an inspection of any such building or land.

Assessment Book.

Assessment book what to contain.

214. The Commissioner shall keep a book, to be called 'the assessment book,' in which shall be entered every financial year—

(a) a list of all buildings and lands in the City distinguishing each either by name or number, as he shall think fit;

(b) the rateable value of each such building and land, determined in accordance with the foregoing porvisoins of this Act;

(c) the name if ascertained of the person primarily liable for the payment of the property taxes, in respect of each such building or land;

(d) if any such building or land is not liable to be assessed to the general tax, the reason of such non-liability;

(e) when the rates of the property taxes to be levied for the year have been duly fixed by the Corporation and the period fixed by public notice, as hereinafter provided, for the receipt of complaints against the amount of rateable value entered in any portion of the assessment book, has expired and in the case of any such entry which is complained against, when such complaint has been disposed of in accordance with the provisions hereinafter contained, the amount at which each building or land entered in such portion of the assessment book is assessed to each of the property taxes, if any, leviable there;

(f) If, under section 227 or 228, a charge is made for water supplied to any building or land by measurement of the water tax or water charge, for any building or land is fixed at a special rate, the particulars and amount of such charge, composition or rate;

(g) such other details, if any, as the Commissioner from time to time thinks fit to direct.

The assessment book to be made separately for each ward and in parts, if necessary.

215. Each of the wards into which the City is for the time being divided by the Corporation for efficient administration of Municipal Government, shall have a separate assessment book called 'Ward Assessment Book,' and each ward assessment book may, if the Commissioner thinks fit, be divided in to two or more parts for such purposes and with such several designations as the Commissioner shall determine.

(2) The Ward Assessment Books and their respective parts, if any, shall collectively constitute the assessment book.

Treatment of property which is let to two or more persons in seperate occupancies.

216. (1) When any building or land is let to two or more persons holding in severalty, the Commissioner may, for the purpose of assessing such building or land to the property taxes, either treat the whole thereof as one property, or, with the written consent of the owner of such building or land, treat each several holding therein or any two or more of such several holdings together, or each floor or flat, as a separate property.

(2) When the Commissioner has determined to treat all the several holdings comprised within any one building or land under this section as one property, he may subject to any general conditions which may, from time to time, be specified by the Standing Committee in this behalf, at any time not later than seven days before the first day on any half-year or quarter-year, as the case may be, for which an instalment of general tax shall be leviable in respect of the said property, sanction a drawback of one-fifth part of the general tax so leviable.

(3) Every person who applies for a draw back under sub-section (2) shall furnish to the Commissioner full and correct information regarding the property in respect of which the claim for drawback is made and the several holdings comprised therein in such form and in such particulars as may be required by the Commissioner in accordance with general conditions specified in his behalf by the Standing Committee.

Person primarily liable for property taxes how to be designated, if his name can not be ascertained.

217. (1) When the name of the person primarily liable for the payment of property-taxes in respect of any premises cannot be ascertained, it shall be sufficient to designate him in the assessment book and in any notice which it may be necessary to serve upon the said person under this Act, 'the holder' of such premises, without further description.

(2) If, in any such case, any person in occupation of the premises shall refuse to give such information as may be requisite for determining the person primarily liable as aforesaid, the person in occupation shall himself be liable, until such information is obtained for all property-taxes leviable on the premises of which he is in occupation.

Public notice to be given when valuation of property in any ward has been completed.

218. (1) When the entries required by clauses (a), (b), (c) and (d) of section 214 have been completed, as far as practicable, in a ward assessment book, the Commissioner shall give public notice thereof and of the place where the ward assessment book or a copy of it, may be inspected.

(2) Such public notice shall be published in the Official Gazette and in the local daily newspapers, and also by posting placards in conspicuous places throughout the ward.

Assessment book to be open to inspection.

219. (1) Every person who reasonably claims to be the owner or occupier of some premises entered in the assessment book or the agent of any such owner or occupier shall be permitted, free of charge, to inspect and to take extracts from any portion of the said book which relates to the said premises.

(2) Any person not entitled under sub-section (1) to inspect and take extracts from any portion of the assessment book free of charge shall be permitted to do so on payment of such fee as shall from time to time be determined in this behalf by the Commissioner, with the approval of the Standing Committee.

Time for filing complaints against valuations to be publicly announced.

220. (1) The Commissioner shall, at the time and in the manner provided in section 218, give public notice of a day, not being less than twenty-one days from the publication of such notice, on or before which complaints against the amount of any rateable value entered in the ward assessment book will be received in his office.

(2) In every case in which any premises have for the first time been entered in the assessment book as liable to the payment of property-taxes, or in which the rateable value of any premises liable to such payment has been increased, the Commissioner shall, as soon as conveniently may be after the issue of the public notice under sub-section (1), give a special written notice to the owner or occupier of the said premises specifying the nature of such entry and informing him that any

complaint against the same will be received in his office at any time within fifteen days from the service of the special notice.

Time and manner of filing complaints against valuation.

221. (1) Every complaint against the amount of any rateable value entered in the assessment book shall be made by written application to the Commissioner, which shall be left at his office on or before the day fixed in this behalf in the public or special notice aforesaid.

(2) Every such application shall set forth briefly but fully the grounds on which the valuation is complained against.

Notice to complainants of day fixed for investigating their complaints.

222. The Commissioner shall cause all complaints so received to be registered in a book to be kept for this purpose and shall give notice, in writing, to each complainant, of the day, time and place when and whereat his complaint shall be investigated.

Hearing of complaint.

223. (1) At the time and place so fixed, the Commissioner shall investigate and dispose of the complaint in the presence of the complainant, if he shall appear, and if not, in his absence.

(2) For reasonable cause to be recorded, the Commissioner may, from time to time, adjourn the investigation.

(3) When the complaint is disposed of, the result thereof shall be noted in the book of complaints kept under section 222 and necessary amendments, if any shall be made in accordance with such result, in the assessment book.

Authentication of ward assessment books when all complaints have been disposed of.

224. (1) When the complaints, if any, have been disposed of and the entries required by clause (e) of section 214 have been completed in the ward assessment book, the said book shall be authenticated by the Commissioner, who shall certify, under his signature, that except in the cases, if any, in which amendments have been made as shown therein, no valid objection has been made to the rateable values enterd in the said book.

(2) Thereupon the said ward assessment book subject to such alterations as may thereafter be made therein under the provisions of the next following section shall be accepted as conclusive evidence of the amount of each property-tax leviable on each building and land, in the ward, in the financial year to which the book relates.

Assessment book may be amended by the Commissioner during the financial year.

225. (1) Subject to the provisions of sub-section (2) the Commissioner may upon the representation of any person concerned or upon any other information at any time during the financial year to which the assessment book relates amend the same—

(a) by inserting therein the name of any person whose name ought to be so inserted or any premises previously omitted;

(b) by striking out the name of any person not liable to the property-tax;

(c) by increasing or reducing the amount of any rateable value and of the assessment based thereupon;

(d) by altering the assessment on any land or building which has been erroneously valued or assessed through fraud, accident or mistake;

(e) by inserting or altering an entry in respect of any building erected, re-erected, altered, added to or reconstructed in whole or in part after the preparation of the assessment book;

(f) by making or cancelling any entry exempting with the approval of the Standing Committee any premises from liability to any property tax.

(2) Where any amendment is made under sub-section (1) which has the effect of imposing on any person any liability for the payment of property taxes which would not be incurred but for such amendment or which has the effect of increasing the rateable value of any premises as stated in the assessment book, a special written notice as provided in sub-section (2) of section 220 shall be given by the Commissioner, and as far as may be the procedure laid down in sections 221, 222 and 223 shall be followed.

(3) Every such amendment shall be deemed to have been made, for the purpose of determining the liability or exemption of the person concerned in accordance with the altered entry, from the earliest day in the current financial year when the circumstances justifying the amendment existed.

New assessment book need not be prepared every financial year.

226. (1) It shall not be necessary to prepare a new assessment book every financial year. Subject to the provisions of sub section (3), the Commissioner may adopt the entries in the last preceding year's book with such alterations as he thinks fit, as the entries for each new financial year.

(2) Public notice shall however be given, in accordance with sections 218 and 220 every year and the provisions of the said sections and of sections 221 to 225 both inclusive, shall be applicable each year.

(3) A new assessment book shall be prepared at the least once in every four-years.

Special provisions concerning the Water and Conservancy Taxes.

A charge by measurement or a periodical lump payment may be substituted for the water tax.

227. (1) The Commissioner may—

(a) in such cases as, the Standing Committee shall, generally approve, instead of levying the water tax in respect of any premises liable thereto, charge for the water supplied to such premises by measurement at such rate as shall from time to time be determined by the said Committee in this behalf or by the size of the water connection with the municipal main and the purpose for which the water is supplied at such rates as shall from time to time be determined by the Corporation and the charge so made shall hereafter be referred to as "water charges";

(b) in such cases as the Standing Committee shall generally approve, compound with any person for the supply of water to any premises for a renewable term of one or more years not exceeding five, on payment of a fixed periodical sum in lieu of the water tax or water charges which would otherwise be leviable from such persons in respect of the said premises.

(2) The Standing Committee may, for the cases in which the Commissioner levies water charges under clause (a) of sub-section (1) from time to time specify such conditions as it shall think fit as to the use of the water and as to the charge to be paid for water consumed whilst a meter is out of order or under repair; and for the cases in which a composition is made under clause (b) of the said sub-section the said Committee may specify such conditions as to the use of the water as it shall think fit:

Provided that no condition specified under this sub-section shall be inconsistent with this Act or the rules or bye-laws made thereunder.

(3) A person who is required to pay water charges or with whom a fixed periodical sum has been compounded as aforesaid shall not be liable for payment of the

water tax, but any sum payable by him on account of water shall, if not paid when it becomes due, be recoverable by the Commissioner as if it were an arrear of water tax.

Government to be charged for water by measurement.

228. If, in respect of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential, charitable or religious purposes, water tax would be leviable under this Act from the Government, the Commissioner, in lieu of levying such tax, shall charge for the water supplied to such premises, by measurement, at such rate as shall be determined by the Standing Committee in this behalf not exceeding the minimum rate at the time being charged under clause (a) of sub-section (1) of section 227 to any other person and such charge shall be recoverable as provided in sub-section (3) of the said section.

Supply of water at public drinking fountain, etc, not to be taxed.

229. No tax or charge of any kind shall be levied or demanded for the use of water in or from any drinking fountain, tank, reservoir, cistern, pump, well, duct, stand-pipe or other work used for the gratuitous supply of water to the inhabitants of the city and vesting in the Corporation:

Provided that the water in or from any such work shall be limited to purpose provided under sub-section (2) of section 350.

Conservancy tax may be fixed at special rates in certain cases.

230. (1) The Commissioner may fix the conservancy tax to the paid in respect of any hotel, club, stable or other large premises at such special rates as shall be generally approved by the Standing Committee in this behalf, whether the service in respect of which such tax is leviable be performed by human labour or by substituted means or appliances.

(2) In the case of premises used solely for public purposes and not used or intended to be used for purposes of profit or for residential or charitable or religious purposes in respect of which the conservancy tax is payable by the Government, the Commissioner shall fix the said tax at a special rate approved as aforesaid.

(3) In any such case the amount of the conservancy tax shall be fixed with reference to the cost or probable cost of the collection, removal and disposal of excrementitious and polluted matter from the premises by the agency of the municipal conservancy staff.

Water tax or conservancy tax paid by any person may be recovered by him from the occupier of the premises for which it is paid.

231. (1) Any person who has paid to the Commissioner any water tax or conservancy tax in respect of any premises shall, if he was not himself in occupation of the said premises, during the period for which he has made such payment and subject to any agreement or contract to the contrary, be entitled to receive the amount of the said payment from the person, if any, in actual occupation of the said premises for the said period.

(2) For the recovery of the said amount from the person aforesaid, the person who has paid the same shall have the same rights and remedies as if such amount were rent payable to him by the person from whom he is eneitled to receive the same.

Refund of Property Taxes for Vacancies.

Refund of Property Taxes.

232. When any building or land or any portion of any premises which the Commissioner has treated under section 216 as a separate property has been vacant for not less than ninety days the Commissioner shall, subject to the provisions hereinafter contained, refund the property taxes, if any, to a maximum of one half of the amount paid in respect of such taxes for the number of days that such vacancy lasted.

Vacancies for the purposes of section 232.

233. For the purpose of section 232:—

(a) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(b) premises shall be deemed to be productive of rent if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;

(c) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(d) premises used or intended to be used for the purpose of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended;

(e) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

234. (1) No refund of any property tax shall be claimable from the Commissioner as aforesaid, unless notice in writing of the vacancy shall have been given by the person liable for the tax, or his agent, to the Commissioner. Refund not claimable unless notice of vacancy is given to the Commissioner.

(2) No refund shall be paid by the Commissioner for any period previous to the day of the delivery of such notice.

(3) When a vacancy continues from one half year or quarter-year, as the case may be in respect of which property taxes are, under section 264 recoverable, into the next following half year or quarter-year as the case may be, no refund of any property tax shall be claimable from the Commissioner as aforesaid on account of such continued vacancy, unless notice thereof shall be given to the Commissioner as aforesaid within thirty days from the commencement of the said next following half year or quarter-year, as the case may be.

235. No refund of water tax shall be claimable except from such time as a written application shall have been made to the Commissioner to stop the water supply to the vacant premises. Refund of water-tax inadmissible unless application for stopping water supply has been made.

236. No refund of general tax shall be claimable in any case in which the Commissioner has sanctioned a drawback under sub-section (2) of section 216. Refund of general tax inadmissible when drawback has been sanctioned.

237. It shall be in the discretion of the Commissioner to disallow any claim for refund of any property-tax unless application therefor is made to him in writing within thirty days after the expiry of the half-year or quarter-year, as the case may be, to which the claim relates accompanied by the bill presented to the applicant under section 266 for the amount of the tax from which the refund is claimed. Applications for refund and how to be made.

Property tax, a first charge on property and movables.

238. The property tax on buildings and lands shall, subject to the prior payment of the land revenue, if any, due to the Government thereon, be a first charge upon the said buildings or land and upon the movable property, if any, found within or upon such buildings or lands and belonging to the person liable to such tax.

Tax on Vehicles and Animals.

Tax on vehicles, boats and animals

239. (1) Except as hereinafter provided, a tax at rates the maxima and minima whereof are specified in Schedule G shall be levied on vehicles, boats and animals which are kept for use in the City for the conveyance of passengers or goods in the case of vehicles and boats, and for riding, racing, draught or burden in the case of animals.

Explanation :—A vehicle, boat or animal kept outside the limits of the city but regularly used within such limits shall be deemed to be kept for use in the city.

(2) the Corporation shall from year to year, in accordance with section 186 determine the rates at which such tax shall be levied.

Exemption from the tax.

240. (1) The tax leviable under section 239 shall not be levied in respect of :—

(a) vehicles, boats and animals belonging to the Corporation ;

(b) vehicles, boats and animals vesting in the State to be used or intended to be used solely for public purposes and not used or intended to be used for purposes of profit ;

(c) vehicles and boats intended exclusively for the conveyance free of charge of the injured, sick or dead ;

(d) children's perambulators and tricycles.

(2) If any question arises under clause (b) of subsection (1) whether any vehicle, boat or animal vesting in the State is or is not used or intended to be used for purposes of profit, such question shall be determined by the Government, whose decision shall be final.

Livery stable-keepers and others may be compounded with.

241. The Commissioner may, with the approval of the Standing Committee, compound with any livery stable-keeper or other person keeping vehicles or horses or bullocks for hire or with any dealer having stables in which horses are kept for sale on commission or other-

wise, for the payment of a lumpsum for any period not exceeding one year at a time in lieu of the taxes leviable under section 239 which such livery stable-keeper or other person or dealer would otherwise be liable to pay.

Vehicle and animal tax book to be kept.

242. (1) The Commissioner shall keep a book, in which shall be entered from time to time—

(a) a list of the persons liable to pay any tax under section 239;

(b) a specification of the vehicles and animals in respect of which the said persons are, respectively, liable to the said tax;

(c) the amount of tax payable by each such person and the period for which it is payable;

(d) the particulars of every composition made under section 241.

(2) Any person whose name in entered in the said book or the agent of any such person, shall be permitted, free of charge, to inspect and take extracts from the said book in respect such person.

(3) Any person not entitled under sub-section (2) to inspect and take extracts from the said book free of charge, shall be permitted to do so on payment of such fee as may from time to time be specified in this behalf by the Commissioner, with the approval of the Standing Committee.

Returns may be called for from owners of premises and persons supposed to be liable to the tax.

243. (1) In order that the said list may be prepared the Commissioner may require—

(a) the owner of any premises let to or occupied by more than one person owing or having possession or control of vehicles and animals to furnish him with a written return, signed by such owner, of the name and address of each of the said persons, and of the animals and vehicles owned by or in the possession or under the control of each of the said persons kept upon such owner's premises;

(b) any person supposed to be liable to the payment of any tax on a vehicle or animal to furnish him with a written return, signed by such person and containing such information concerning the vehicles and animals, if any, owned by or in the possession or under the control of such person as the Commissioner shall deem necessary.

(2) Every person on whom any such requisition is made shall be bound to comply with the same, within such reasonable period as the Commissioner specifies in this behalf, whether such person be liable to the payment of any such tax or not, and to make a true return to the best of his knowledge or belief.

Notice to be given to Commissioner by a person who becomes owner or possessed of a vehicle or animal in respect of which liability arises, etc.

244. (1) Every person who becomes the owner or obtains possesssion or control of any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner with in fifteen days after he has become the owner or has obtained possession or control of such vehicle or animal, of the fact that he has become the owner or has obtained possession or control of such vehicle or animal, as the case may be.

(2) Every person who ceases to own or have possession or control any vehicle or animal in respect of which the said tax is leviable shall give notice in writing to the Commissioner of the fact that he has ceased to own or have possession or control of such vehicles or animal. Such person shall, in addition to any other penalty to which he may be liable, continue to be liable for the payment of the said tax leviable from time to time in respect of such vehicle or animal until he gives such notice ;

Provided that nothing herein contained shall be held to diminish the liability to pay the said tax of the person who becomes the owner or obtains possession or control of such vehicle or animal or affect the prior claim of the Commissioner on such vehicle or animal for the recovery of any tax due in respect thereof.

Power to inspect stable, garage, etc., and summon persons liable to tax

245. (1) The Commissioner may make an inspection of any stable, garage or coach-house or any place wherein he may have reason to believe that a vehicle, boat or animal liable to a tax under this Act is kept.

(2) The Commissioner may if he has reasons to believe that any person has in his possession or under his control a vehicle, boat or animal liable to tax under this Act, by written summons require the attendance before him of such person or any servant of any such person and may examine such person or servant as to the number and description of vehicles, boats and animals owned by or in the possession or under the control of such person and every person so summoned shall be bound to attend before the Commissioner and to give true information to the best of his knowledge or belief as to the said matters.

Refund of tax on vehicles and animals when and to what extent obtainable.

246. If the tax leviable on any vehicle or animal in respect of any quarter has been paid and if during such quarter such vehicle or animal ceases to be kept within the city, or is destroyed or is otherwise rendered unfit for use or if such vehicle has been under repairs or if such animal has been kept in any institution for the reception of infirm or disused animals or is certified by a Veterinary Surgeon to have become unfit for use and has not been used, the person who paid the tax leviable on such vehicle or animal shall, subject to the provision hereinafter contained, and on the Commissioner or any officer authorised by him, being satisfied in this behalf, be entitled to receive back from the Commissioner, if the period in such quarter for which such vehicle or animal has not been kept in the city or has not been used, on account of such vehicle or animal being destroyed, or rendered unfit for use or on account of such vehicle being under repairs or such animals being kept in any institution for the reception of infirm or disused animals or such animals having been certified by a Veterinary Surgeon to have become unfit for use, is—

(a) not less than eighty days, the full amount of the tax paid,

(b) not less than sixty days, two thirds of the tax paid,

(c) not less than thirty days, one-third of the tax paid :

Provided that no refund of the tax shall be granted if such period is less than thirty days.

Refund not claimable unless notice is given to the Commissioner.

247. (1) No refund of the tax shall be claimable from the Commissioner under section 246 unless notice in writing of the occurrence of the circumstances giving rise to such claim or of the commencement of circumstances which may give rise to such claim has been given to the Commissioner by the person who paid the tax or his agent.

(2) If such notice is not received by the Commissioner within three days of the occurrence or commencement of the circumstances as aforesaid, the period previous to the date of the receipt of the notice shall be excluded in computing the period of eighty, sixty and thirty days, referred to in section 246 for the purposes of granting any refund.

(3) It shall be in the discretion of the Commissioner to disallow any claim for refund of the tax, unless application claiming such refund is made to him in writing before the expiry of 15 days after the end of the quarter to which the claim relates and is accompanied by the bill presented to the applicant under section 266 for the amount of the tax from which the refund is claimed.

Dogs.

Tax on dogs.

248. (1) A tax not exceeding rupees five per annum shall be levied on every dog kept within the City and not under the age of six months.

(2) Every person who owns or is in charge of any dog on which a tax is leviable under sub-section (1) shall be liable for such tax.

(3) (a) Every person who owns or is in charge of any dog shall, before the first day of May in each financial year, forward to the Commissioner a return signed by him containing his name and address and the age of such dog.

(b) Every person who after the first day of May in any financial year becomes the owner or takes charge of any dog shall, within one week from the date on which he becomes the owner or takes charge of the dog, forward to the Commissioner a like return, signed by him.

(4) The tax shall be payable for every financial year in advance on the first day of May:

Provided that—

(i) in respect of a dog which attains the age of six months after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which the dog attains such age, and

(ii) in cases in which a person becomes the owner or takes charge of any dog, not under the ago of six months, after the first day of May, the tax shall be payable immediately after the expiry of one week from the day on which he becomes the owner or takes charge of such dog:

Provided further that the tax shall not be payable more than once for the financial year in respect of any dog.

(5) The Commissioner shall maintain a register showing the persons liable to pay the tax under this section.

Licence and number ticket for and disposal of dogs.

249. (1) When the owner or person in charge of any dog has paid the tax leviable on and the price fixed for the number tickets for such dog, the Commissioner shall—

(a) grant him a licence for the keeping by him of such dog during the financial year for which he had paid the tax, and

(b) provide him with a number ticket, the number of which shall be specified in such licence.

(2) The owner or person in charge of any dog so licensed shall at all times cause the said number ticket to be kept attached to the collar or otherwise suspended from the neck of the dog.

(3) Any dog which has no number ticket so attached or suspended—

(i) shall be presumed to be a dog in respect of which no licence has been granted, and

(ii) may be seized by the police or by any officer duly authorised by the Commissioner in this behalf, and detained until the tax due, if any, has been paid.

(4) If any person, within three days from the date of such seizure, satisfies the Commissioner that he is the owner or person in charge of such dog, the Commissioner shall order it to be delivered to such person on payment of the tax, if any, due and the costs incurred by the Commissioner by reason of its detention.

(5) If, within the said three days, no person satisfies the Commissioner that he is the owner or person in charge of the dog the Commissioner may cause the dog either—

(a) to be destroyed, or

(b) to be sold and the proceeds of the sale, after deducting therefrom the said tax and costs (together with the costs of sale) to be paid to any person who within six months from the date of such sale, establishes to the satisfaction of the Commissioner, his claim to such proceeds.

Protection of persons acting in good faith.

250. No suit prosecution or other legal proceeding shall be instituted against any person in respect of any act done in good faith in the pursuance of the provisions of sub-sections (3), (4) and (5) of section 249.

Certain sections not to apply.

251. Nothing contained in sections 239 to 244, 246, 247, 265, and the second sentence of sub-section (2) of section 266 shall apply in respect of the tax leviable under section 248.

Octroi.

Octroi at what rates and on what articles leviable.

252. Except hereinafter provided, octroi, at rates not exceeding those respectively specified in Schedule shall be levied in respect of the several articles mentioned in the said Schedule or of so many of them as the Corporation shall from year to year, in accordance with section 186, determine when the said articles are imported from any place into the city.

Table of rates of octroi to be affixed on certain places.

253. The Commissioner shall cause tables of Octroi for the time being leviable, specifying the rates at which and the articles on which the same are leviable to be printed in the official Gazette and local daily newspapers and to be affixed in a conscicuous position at every place at which the same actroi is levied.

Exemption of articles belonging to Government from octroi and refund of octroi on articles becoming property of Government.

254. (1) No octroi shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by the Government in this behalf to be the property of the State, to be used or intended to be used solely for public purposes and not to be used or intended to be used for purposes of profit.

(2) If any article on which octroi is payable is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with the Government or otherwise for the use of the Government the amount if any of the octroi paid thereon shall be refunded in full on production, at any time within six months after importation, of a certificate signed by an officer empowered by the Government in this behalf stating that the article so imported has become the property of the State, is used or intended to be used solely for a public purpose and is not used or intended to be used for purposes of profit.

Exemption of articles imported for immediate exportations.

255. Any article imported into the city for the purpose of immediate exportation may at the option of the importer be exempted from the levy of octroi if such article is conveyed direct from the place of import, to the place of export by such routes, within such time, under such supervision and on payment of such fees therefor as shall be determined by the Standing Committee.

Refund of octroi on export.

256. (1) When any article upon which octroi has been paid shall be exported from the city, the full amount of the octroi so paid shall, subject to the provisions hereinafter contained, be refunded.

(2) Such refunds shall be paid under such bye-laws as shall from time to time be framed in this behalf.

Profession tax.

257. (1) Every Company which transacts business in the City for not less than sixty days in the aggregate in any half-year and every person, who in any half year,

(a) exercises a profession, trade, or calling or transacts business or holds any employment, public or private—

(i) within the City for not less than sixty days in the aggregate, or

(ii) without the City but who resides in the City for not less than sixty days in the aggregate, or

(b) resides in the City for not less than sixty days in the aggregate and is in receipt of any pension or income from investments shall pay a half-yearly tax not exceeding the rates in Schedule I assessed in the prescribed manner.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax :

Provided that no person whose aggregate monthly income does not exceed rupees one hundred shall be liable to pay the profession tax :

Provided further that agricultural income shall not be liable to be taxed.

(3) Nothing contained in this section shall be deemed to render a person, who resides within the local limits of one local authority and exercises his profession, trade or calling or transacts business or holds any employment within the limits of any other local authority or authorities, liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final :

Provided that where one of the local authorities concerned is a Cantonment authority the decision of the Government shall be subject to the concurrence of the Central Government.

(4) The profession tax leviable from a firm, association or Joint Hindu Family may be levied from any adult member of the firm, association or family.

(5) Where one company or person is the agent of another company or person, the former company or person shall not be liable separately to the profession tax, on the same income as that of the principal.

(6) All statements made, returns furnished or accounts or documents produced in connection with assessment of profession tax by any person shall be treated as confidential and copies thereof shall not be granted to the public.

Entertainment tax.

258. The entertainment tax shall levied on all payments for admission to a theatre, cinema, carnival or to any other place of entertainment, at rates the maxima and minima whereof specified in Schedule J.

Exemption from entertainment tax.

259. The entertainment tax shall not be leviable in respect of any entertainment, performance or show—

(a) for admission to which no charge or only a nominal charge, as may be prescribed, is made;

(b) which is not open to the general public on payment;

(c) the proceeds of which are intended to be utilised for a public, educational, cultural or charitable purpose.

Returns by persons in charge of entertainment.

260. It shall be the duty of every proprietor, manager or person in charge of any entertainment to submit to the Commissioner such returns duly signed at such intervals, in such form and containing such information for the purpose of levy of the entertainment tax, as may be prescribed.

Tax on transfer of property.

261. (1) The tax on transfer of property (hereinafter referred as transfer tax) shall be levied—

(a) in the form of a surcharge on the duty imposed by the Hyderabad Stamp Act for the time being in force in the State of Hyderabad on every instrument of the description specified below which relates to immovable property situate within the City; and

(b) at a rate of two per centum on the amount specified below against each instrument:—

Description of instrument.	Taxable Amount.
(i) Sale of immovable property.	The amount or valuable of the consideration for the sale, as setforth in the instrument.
(ii) Exchange of immovable property.	The value of the property of the greater value, as setforth in the instrument.
(iii) Gift of immovable property.	The value of the property, as setforth in the instrument.
(iv) Mortgage of immovable property.	The amount secured by the mortgage, as setforth in the instrument.

(2) All the provisions of the Hyderabad Stamp Act for the time being in force and the rules made thereunder shall **mutatis mutandis** apply to the said tax as they apply in relation to the duty chargeable under that Act.

(3) No registering authority shall accept any instrument for registration unless the amount of transfer tax is paid in cash.

(4) Every registering authority shall maintain an account of the transfer tax paid in respect of each instrument registered by him and a separate account showing the amount of the consideration, the value of the property or the amount secured by a mortgage as the case may be.

(5) The transfer tax collected under this Act shall be credited to the Municipal Fund. In the absence of an agreement to the contrary the transfer tax shall be paid by the person who is primarily liable for payment of the the stamp duty in respect of the instrument excecuted.

Toll on animals and vehicles

262. (1) Subject to such rules and at such rates as may be prescribed a toll on animals and vehicles shall be leviable on—

(a) every vehicle, and

(b) every animal used for driving draught or burden, which enters the city:

Provided that the toll shall not be leviable on any such vehicle or animal more than once on any one date.

(2) The following vehicles or animals shall be exempted from the levy of the toll :—

(a) those belonging to corporation;

(b) those belonging to the Government and the

District Board but not used or intended to be used for purposes of profit ;

(c) those used as conveyance of Government or District Board Officials or their luggage, while travelling on duty ;

(d) those used for the conveyance of persons or property in the custody of a police officer ;

(e) those belonging to agriculturists and kept within the city for agricultural work ;

(f) those for which vehicle and animal tax under section 239 has been paid.

(g) animals drawing a vehicle on which the toll is levied ;

(h) those exempted by the Government by a General or Special order.

(3) When by an order made under clause (h) of sub-section (2) the Government exempts the through traffic, through the city, the Government may, in consultation with the Corporation, fix the routes therefor.

(4) Any owner of a vehicle or animal may commute payments of the toll at such rates and in such manner as may be prescribed.

Supplementary Taxation.

Any tax imposable under this Act may be increased by way of imposing supplementary taxation.

263. Whenever the Corporation determine, under section 192, to have recourse to supplementary taxation in any financial year, they shall do so by increasing, for the unexpired portion of the said year, the rates at which any tax leviable under this Act is being levied or by adding to the number of articles on which octroi is being levied, but every such increase or addition shall be made subject to the limitations and conditions on which any such tax is leviable.

Collection of Taxes.

Property taxes how payable.

264. (1) Each of the property taxes shall be payable in advance either in half-yearly or quarterly instalments as the Corporation may decide.

(2) In case of—

(a) half-yearly instalments, the taxes shall be payable in advance on each first day of April and October ;

(b) Quarterly instalments, the taxes shall be payable on each first day of April and July and each first day of October and January.

Tax on vehicles, animals and public conveyances payable in advance.

265. (1) Except as is hereinafter otherwise provided the tax on vehicles and animals, shall be paid quarterly in advance, on each first day of April and each first day of July and each first day of October and each first day of January.

(2) If in any quarter a vehicle or animal becomes liable to such tax, such tax shall be leviable thereon from the earliest day in the quarter on which such vehicle or animal so becomes liable the amount of tax leviable for such quarter shall be, if such earliest day occurs—

(a) in the first month of such quarter, the whole tax for such quarter,

(b) in the second month of such quarter, two-thirds of the tax for such quarter,

(c) in the last month of such quarter, one-third of the tax for such quarter, provided that no tax shall be leviable for such quarter if such earliest day occurs within the last 10 days of such quarter.

Service of bills for certain taxes.

266. (1) When any property tax or tax on vehicles and animals or any instalment of any such tax, shall have become due, the Commissioner shall with the least practicable delay, cause to be served upon the person liable for the payment thereof a bill for the sum due.

(2) Every such bill shall specify the period for which the premises, vehicle or animal in respect of which, the tax is charged, as hereinafter provided, against time within which objections may be raised or on the decision, an appeal may be preferred, as hereinafter provided, against such decision. Every such bill for the payment of tax on vehicles and animals shall have printed on the reverse side of the bill the provisions of sections 244 to 247.

When one bill may be served for several claims.

267. (1) All the sums due for each half year or quarter year, as the case may be, for all or any of the property taxes, by any one person on account of one and the same property shall be charged to such person in one bill and shall be recoverable from him in the lump:

Provided that nothing herein contained shall affect the liability of such person to any increased tax to which he may be assessed on account of the said property under section 225.

(2) If any one person is liable for all or any of the said taxes on account of more properties than one, it shall be competent to the Commissioner to charge to such person in one or several bills, as he shall think fit the several sums payable by him on account of such properties :

Provided that if such person, by written notice to the Commissioner, request to be furnished with several bills, the Commissioner shall comply with such request in respect of all the said taxes for which such person becomes liable after receipt by the Commissioner of his said notice:

Provided, however, that notwithstanding anything in the foregoing proviso no person shall be entitled to be furnished with more than one bill in respect of any building or land which has been treated as comprising of more than one separate property under section 216.

Notice of demand.

268. (1) If the amount of tax for which any bill has been served as aforesaid is not paid into the municipal office within fifteen days from the service thereof, the Commissioner may cause to be served upon the person liable for the payment of the same a notice of demand in the form of Schedule K, or to the like effect.

(2) For every notice of demand which the Commissioner causes to serve on any person under this section, a fee of such amount not exceeding one rupee shall in each case be fixed by the Commissioner, shall be payable by the said person and shall be included in the costs of recovery.

Distress.

269. (1) If the person liable for the payment of the said tax does not within fifteeen days from the service of the notice demand pay the sum due, or show sufficient cause for non-payment of the same to the satisfaction of the Commissioner, and if no appeal is preferred against the said tax, as hereinafter provided, such sum, with all costs of the recovery, may be levied under a warrant in the form of Schedule L, or to the like effect, to be issued by the Commissioner, by distress and sale of the goods and chattels of the defaulter, or if the defaulter be the occuppier of any premises in respect of which a property tax is due, by distress and sale of any goods and chattels found on the said premises or, if the tax due in respect of any vehicle or animal by distress and sale of such vehicle or animal in whomsoever's ownership, possession or control, the same may be.

(2) If after the service of the notice of demand the amount of the said tax is paid but the fee for the notice is not paid, the sum due on account of the said fee may by levied under a warrant in the form of Schedule L, **mutatis mutandis** to be issued by the Commissioner in the same manner as if such sum were due on account of the tax.

Goods of defaulter may be distrained wherever found.

270. The goods and chattels of any person liable for the payment of any tax, or the vehicle or animals in respect of which the tax is due for levy of which a warrant has been issued as aforesaid, may be distrained wherever the same may be found.

Inventory and notice of distress and sale.

271. The officer charged with th execution of a warrant of distress issued under section 269 shall forthwith make an inventory of the goods and chattels and vehicles or animals which he seizes under such warrant, and shall at the same time give a written notice, in the form of Schedule M or in a similar form to the person in possession thereof at the time of seizure, that the said goods and chattles and vehicles or animals will be sold as therein mentioned.

sale

272. (1) If the warrant is not in the meantime suspended by the Commissioner or discharged, the goods and chattels or vehicles or animals seized shall, after the expiry of the period named in the notice served under the last preceding section, be sold by order of the Commissioner, who shall apply the proceeds or such part thereof as shall be requisite in discharge of the sum due and of the costs of recovery.

(2) The surplus, if any, shall be forthwith credited to the municipal fund, but if the same be claimed by written application to the Commissioner within one year from the date of the sale, a refund thereof shall be made to the person in possession of the goods and chattels or vehicles or animals at the time of the seizure. Any surplus not claimed within one year as aforesaid shall be the property of the Corporation.

Fees for distraints.

273. For every distraint made under this Act a fee shall be charged at the rate set forth in Schedule N, and the said fee shall be included in the costs of recovery.

Fees for cost of recovery may be remitted.

274. The Commissioner may, in his discretion, remit the whole or any part of any fee chargeable under the last preceding section or under sub-section (2) of section 268.

Seizure of vehicles and animals if tax on vehicles and animals not paid and number plate not obtained.

275. (1) If the tax on any vehicle or animal governed by the provisions of section 265, is not paid and a number-plate is not obtained and affixed to the vehicle within thirty days from the date on which the tax became due, the Commissioner may at any time thereafter seize and detain the vehicle and the animal, if any, used or employed in drawing the vehicle and, if the owner or other person entitled thereto does not within seven days from the date of such seizure and detention claim the the same and pay the tax due together with the charges incurred in connection with the seizure and detention, the Commissioner may cause the same to be sold and apply the proceeds of the sale or such part thereof as shall be requisite in discharge of sum due and the charges incurred as aforesaid :

Provided that if any person becomes the owner or obtains possession or control of any vehicle or animal on which the tax is due after the expiry of the said period of thirty days and the tax thereon has remained unpaid, he shall pay the same in the manner prescribed immediately after he becomes the owner or obtains possession or control of such vehicle or animal and on failure to do so the vehicle or animal shall, if it is not already seized and detained be liable to be seized and detained and sold as aforesaid :

Provided further that no vehicle or animal used there for shall be seized and detained under this section when actually employed in the conveyance of goods.

(2) The surplus, if any, remaining after the application of the proceeds of a sale under sub-section (1) in the manner provided therein shall be disposed of in the manner provided in sub-section (2) of section 272.

When occupier may be held liable for payment of property tax.

276. (1) If the sum due on account of any property tax remains unpaid after a bill for the same has been duly served on the person primarily liable for the payment thereof and the said person be not the occupier for the time being of the premises in respect of which the tax is due, the Commissioner may serve a bill for the amount on the occupier of the said premises, or, if there are two or more occupiers thereof, may serve a bill on each of them for such portion of the sum due as bears to the whole amount due the same ratio which the rent paid by such occupier bears to the aggregate amount of rent paid by them both or all in respect of the said premises.

(2) If the occupier or any of the occupiers fails within thirty days from the service of any such bill to pay the amount therein claimed, the said amount may be recovered from him in accordance with the foregoing provisions.

(3) No arrear of a property-tax shall be recovered from any occupier under this section, which has remained due for more than one year, or which is due on account of any period for which the occupier was not in occupation of the premises on which the tax is assessed.

(4) If any sum is paid by, or recovered from an occupier under this section, he shall be entitled to credit therefor in account with the person primarily liable for the payment of the same.

Summary proceedings may be taken against persons about to leave the city.

277. (1) If the Commissioner shall at any time have reason to believe that any person from whom any sum is due on account of any property-tax or tax on vehicles and animals, or profession tax is about forthwith to remove from the city, the Commissioner may direct the the immediate payment by such person of the sum so due by him and cause a bill for the same to be served on him.

(2) If, on service of such bill, the said person does not forth with pay the sum due by him, the amount shall be leviable by distress and sale in the manner hereinbefore provided, except that it shall not be necessary to serve upon the defaulter any notice of demand, and the Commissioner's warrant for distress and sale may be issued and executed without any delay.

Defaulters may be sued for arrears if necessary.

278. Instead of proceeding against a defaulter by distress and sale as hereinbefore provided, or after a defaulter shall have been so proceeded against unsuccessfully or with only partial success any sum due or the balance of any sum due, as the case may be, by such defaulter, on account of a property-tax or of tax on vehicles and animals or profession tax, may be recovered from him by a suit in any court of competent jurisdiction.

Collection of Octroi how to be effected.

279. (1) Octroi—

(a) may be collected under the orders of the Commissioner, by municipal officers and servants appointed in this behalf ; or

(b) if the Commissioner thinks fit, may, with the approval of the Standing Committee, be formed by him for any period not exceeding one year at a time or be collected by or under the orders of any person whom the Commissioner, with the approval of the Standing Committee, appoints to be his agent for this purpose.

(2) Octroi shall be collected, and refunds of Octroi shall be made, at such places and be managed and controlled in such manner as the Commissioner with the approval of the Standing Committee shall from time to time direct.

Powers of persons authorised to collect and refund Octroi.

280. Every person authorised under section 279 to collect or to refund Octroi shall have in respect of its collection or refund such powers and privileges and be subject to such liabilities in respect of anything done by him or for the purpose of collecting or refunding Octroi as may from time to time, be prescribed and in respect of the confiscation of goods in connection therewith such powers as are conferred by the foregoing provisions of this Act in respect of distress of movable property or vehicles, boats and animals.

Writing off of irrecoverable taxes.

281. The Commissioner may, with the approval of the Standing Committee from time to time, write off any sum due on account of any tax or of the costs of recovery of any tax which shall in his opinion be irrecoverable.

Appeals against Valuations and Taxes.

Appeals when and to whom to lie.

282. (1) Subject to the provisions hereinafter contained, appeals against any rateable value or tax fixed or charged under this this Act shall be heard and determined by the Judge.

(2) But no such appeal shall be heard by the said Judge, unless—

(a) it is brought within fifteen days after the accrual of the cause of complaint;

(b) a complaint has previously been made to the Commissioner under section 221 and such complaint has been disposed of;

(c) a complaint has been made, by the person aggrieved within fifteen days after the first received notice of any amendment made in the assessment book under section 225 and his complaint has been disposed of;

(d) in the case of an appeal against a tax, the amount claimed from the appellant has been deposited by him with the Commissioner.

Cause of complaint when to be deemed to have occured.

283. For the purposes of the last preceding section, cause of complaint shall be deemed to have occurred as follows, namely :—

(a) in the case of an appeal against a rateable value, on the day when the complaint made to the Commissioner under section 221 against such value is disposed of ;

(b) in the case of an appeal against any amendment made in the assessment book, under section 255 during the financial year on the day when the complaint made to the Commissioner by the person aggrieved against such amendment is disposed of ;

(c) in the case of an appeal against a tax, on the day when payment thereof is demanded or when a bill therefor is served.

Arbitration.

284. Where in any appeal under section 282 the parties agree that any matter in difference between them shall be referred to arbitration, they, may, at any time before a decision is given in such appeal, apply in writing to the Judge for an order of reference on such matter and on such application being made, the provisions of the Arbitration Act, 1940 relating to arbitration in suits shall, so far as they can be made applicable, apply to such application and the proceedings to follow thereon, as if the Judge were a Court within the meaning of that Act and application were an application made in a suit.

Appointment of valuer.

285. (1) If any party to an appeal against a rateable value under section 282 makes an application to the Judge either before the hearing of the appeal, but before evidence as to value has been adduced, to direct a valuation of any premises in relation to which the appeal is made, the Judge may, in his discretion, appoint a competent person to make the valuation and any person so appointed shall have power to enter on, survey and value the premises in respect of which the direction is given :

Provided that, except when the application is made by the Commissioner, no such direction shall be made by the Judge unless the applicant gives such security as the Judge thinks proper for the payment of the costs of valuation under this sub-section.

(2) The costs incurred for valuation under sub-section (1) shall be costs in the appeal, but shall be payable in the first instance by the applicant.

(3) The Judge may, and on the application of any party to the appeal, shall call as a witness the person appointed under sub-section (1) for making the valuation and, when he is so called, any party to appeal shall be entitled to cross-examine him.

Reference of question to High Court.

286. (1) If, before or on the hearing of an appeal under section 282, any question of law or usage having the force of law, or the construction of a document arises on which the Judge entertains reasonable doubt, the Judge may either of his own motion or on the application of the party to the appeal, draw up a statement of the facts of the case and the point on which doubt is so entertained and refer such statement with his own opinion on the point for the decision of the High Court.

(2) Where a reference is made to the High Court under sub-section (1), the provisions of Rules 2 to 5, both inclusive of Order XLVI in the First Schedule to the Code of Civil Procedure, 1908, shall, so far as they can be made applicable, apply.

Appeals.

287. An appeal shall lie to the High Court from any decision of the Judge in an appeal under section 282—

(a) by which a rateable value in excess of rupees two thousand is fixed, and

(b) upon a question of law or usage having the force of law or the construction of a document.

Costs of proceedings in appeal.

288. The costs of all proceedings in appeal under section 282 before the Judge including those of arbitration under section 284 and of valuation under section 285 shall be payable by such parties in such proportion as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the court.

Unappealed values and taxes and decisions on appeal to be final.

289. (1) Every rateable value fixed under this Act against which no complaint is made as hereinbefore provided, and the amount of every sum claimed from any person under this Act on account of any tax, if no appeal therefrom is made as hereinbefore provided, and the decision of the Judge aforesaid upon any appeal against any such value or tax, if no appeal is made therefrom

and the decision of the High Court upon appeal under Section 287, shall be final.

(2) Effect shall be given by the Commissioner to every such decision.

CHAPTER IX.

DRAINS AND DRAINAGE WORKS.

Municipal Drains.

Municipal drains to be under the control of Commissioner.

290. All municipal drains shall be under the control of the Commissioner.

Vesting of water-course.

291. Any natural water-course heretofore belonging to Government by which rain water or drainage of any kind is carried, may on application to the Government by the Commissioner with the previous approval of the Standing Committee be vested in the Corporation.

Provided that—

(a) it shall be in the discretion of the Government in each case to determine whether a particular water-course so applied for shall be so vested, and

(b) the Government declaring that a water-course so applied for may be made over to the Corporation shall, from the date thereof to be specified in this behalf operate to vest such water-course in the Corporation.

Drains to be constructed and kept in repair by the Commissioner.

292. (1) The Commissioner shall maintain and keep in repair all municipal drains and, when authorised by the Corporation in this behalf, shall construct such new drains as shall from time to time be necessary for effectually draining the City.

(2) The Commissioner shall also, in the case of any street in which there is a municipal drain, construct at the charge of the municipal fund such portion of the drain of any premises to be connected with such municipal drain as it shall be necessary to lay under any part of such street and the portion of any connecting drain so laid shall vest in the Corporation and be maintained and kept in repair by the Commissioner as a municipal drain.

Powers for making drain.

293. (1) The Commissioner may carry any municipal drain through, across or under any street, or any place laid out as or intended for a street, or under any cellar or vault which may be under any street, and, after giving reasonable notice in writing to the owner or occupier, into, through or under any land whatsoever within the city or, for the purpose of outfall or distribution of sewage, without the city.

(2) The Commissioner may enter upon, and construct any new drain in the place of an existing drain in any land wherein any municipal drain has been already lawfully constructed or repair or alter any municipal drain so constructed.

(3) In the exercise of any power under this section, as little damage as can be, shall be done, and compensation shall be paid by the Commissioner to any person who sustains damage by the exercise of such power.

Alteration and discontinuance of drains.

294. (1) The Commissioner may enlarge, arch over or otherwise improve any municipal drain, and may discontinue close up or destroy any such drain which has, in his opinion, become useless or unnecessary.

(2) The discontinuance, closing up or destruction of any drain shall be so done as to create the least practicable nuisance or inconvenience to any person and if by reason of anything done under this section any person is deprived of the lawful use of any drain, the Commissioner shall, as soon as may be, provide for his some other drain which would be as effectual as the one discontinued, closed up or destroyed.

Cleansing drains.

295. (1) The municipal drains shall be so constructed, maintained and kept as to create the least practicable nuisance and shall be from time to time properly flushed, cleansed and emptied.

(2) For the purpose of flushing, cleansing and emptying the said drains, the Commissioner may, with the sanction of the Corporation, construct or set up such reservoirs, sluices, engines and other works, as he shall from to time deem necessary.

Drains of public street and drainage of premises.

Powers to connect drains of private streets with municipal drains.

296. The owner of a private street shall be entitled to connect the drain of such street with a municipal drain, subject to the following conditions, namely :—

(a) before commencing to construct such drain, the owner of the street shall submit to the Commissioner a plan of the street bearing the signature of a licensed surveyor in token of its having been made by him or under his supervision, and drawn, to such a convenient scale as the Commissioner shall require, and there shall be shown on such plan the position, course and dimensions of the proposed drain, with a section or sections thereof, and such other particulars in relation thereto as the Commissioner shall deem necessary and require, and no such drain shall, without the approval in writing or contrary to the directions of the Commissioner be proceeded with;

(b) the drain of such private street shall, at the expense of the owner of the street, be constructed of such size, material and description, and be branched into the municipal drain in such manner and form of communication, in all respects, as the Commissioner with the approval of the Standing Committee, shall direct:

(c) the Commissioner may, if he thinks fit, construct such part of such drain and such part of the work necessary for branching the same into the municipal drain as shall be in or under any public street or place vesting in the Corporation and, in such case, the expenses incurred by the Commissioner shall be paid by the owner of the private street.

Power of owners and occupiers of premises to drain municipal drains.

297. The owner or occupier of any premises shall be entitled to cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage provided that he first obtains the written permission of the Commissioner and that he complies with such conditions as the Commissioner may impose as to the mode in which and the superintendence under which connections with municipal drains or other places aforesaid are to be made.

Connections with municipal drains not to be except in conformity with section 296 or 297.

298. No person shall, without complying with the provisions of section 296 or 297 as the case may be, make or cause to be made any connection of a drain belonging to himself or to some other person with any municipal drain or other place legally set apart for the discharge of drainage, and the Commissioner may, with the approval of the Standing Committee, close, demolish, alter or

remake any such connection made in contravention of this section, and the expenses incurred by the Commissioner in so doing shall be paid by the owner of the street, or the owner or occupier of the premises, for the benefit of which the connection was made; or by the person offending.

Buildings, etc., not to be erected without permission over any drains.

299. (1) Without the written permission of the Commissioner no building, wall or other structure shall be newly erected or re-erected and no street or railway shall be constructed over any drain.

(2) If any building, wall or other structure be so erected or re-erected, or any street or railway be so constructed, the Commissioner, after giving the offending person ten days' notice of his intention, may apply for the approval of the Standing Committee and may with their approval remove or otherwise deal with the same as he shall think fit, and the expenses thereby incurred shall be paid by the person offending.

Right of owners and occupiers of premises to carry drains through land belonging to other persons.

300. (1) If it shall appear to the Commissioner that the only means or the most convenient means, by which the owner or occupier of any premises can cause his drain to empty into a municipal drain or other place legally set apart for the discharge of drainage is, by carrying the same into, through or under any land belonging to some person other than the said owner or occupier, the Commissioner, after giving to the owner of such land a reasonable opportunity of stating objections, if any, may, with the approval of the Standing Committee, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to carry his drain into, through or under the said land in such manner as he shall think fit to aollw.

(2) Every such order of the Commissioner, shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and to execute the necssary work.

(3) Subject to all other provisions of this Act, the owner or occupier of any premises or any agent or person employed by him for this purpose, may after giving

to the owner of any land, wherein a drain has been already lawfully constructed for the drainage of his said premises, reasonable written notice of his intention so to do, enter upon the said land with assistants and workmen, at any time between sunrise and sunset, and construct a new drain in the place of the existing drain or repair or alter any drain so constructed.

(4) In executing any work under this section, as little damage as can be, shall be done, and the owner or occupier of premises for the benefit of which the work is done shall—

(a) cause the work to be executed with the least practicable delay;

(b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or portion of any building or other construction opened, broken up or removed for the purpose of executing the said work;

(c) pay compensation to the person who sustains damage by the execution of the said work.

(5) If the owner of any land, into, through or under which a drain has been carried under this section whilst such land was unbuilt upon, shall, at any time afterwards, desire to erect a biuldng on such land, the Commissioner shall, with the approval of the Standing Committee, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove or divert the same in such manner as shall be approved by the said committee, and to fill in, reinstate and make good the land as if the drain had not been carried into, through or under the same:

Provided that no such requisition shall be made, unless in the opinion of the Standing Committee, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment thereof, that the drain be closed, removed or diverted.

Owner of land to allow others to carry drains through the land.

301. Every owner of land shall be bound to allow any person in whose favour an order has been made under section 300, sub-section (1) to carry a drain into, through or under the land of such owner on such terms as may be specified in such order.

Commissioner may enforce drainage of undrained premises situate within a hundred feet of a municipal drain.

302. Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, and a municipal drain or some place legally set apart for the discharge of drainage is situated at a distance not exceeding one hundred feet from some part of the said premises, the Commissioner may, by written notice, require the owner or occupier of the said premises—

(a) to make a drain of such material, size and description laid at such level and according to such alignment and with such fall and outlet as may appear to the Commissioner necessary, emptying into such municipal drain or place aforesaid :

Provided that, where any premises have already been drained in accordance with the bye-laws or have to be so redrained, no such requisition shall be made without the previous sanction of the Standing Committee ;

(b) to provide and set up all such appliances and fittings as may appear to the Commissioner necessary for the purposes of gathering and receiving the drainage from, and conveying the same off, the said premises and of effectually flushing such drain and every fixture connected therewith ;

(c) to remove any existing drain, or other appliance or thing used or intended to be used for drainage, which is injurious to health.

Commissioner may enforce drainage of undrained premises not situate within a hundred feet of a municipal drain.

303. (1) Where any premises are, in the opinion of the Commissioner, without sufficient means of effectual drainage, and a municipal drain or such place as aforesaid is situated at a distance exceeding one hundred feet from some part of the said premises, the Commissioner, may, by written notice, require the owner or occupier of the said premises—

(a) to construct a drain up to a point to be specified in such notice, but not distant more than one hundred feet from some part of the said premises, or

(b) to construct a closed cesspool of such material, size and description in such position, at such level, and with allowance for such fall and outlet as the Commissioner thinks necessary and the drain emptying into such cesspool.

(2) Any requisition for the construction of any drain under sub-section (1) may comprise any detail specified in clause (a), (b) or (c) of section 302.

Power of Commissioner to drain premises in combination.

304. (1) Where the Commissioner is of opinion that any group or block of premises, any part of which is situate within one hundred feet of a municipal drain, or other place legally set apart for the discharge of drainage already existing or about to be constructed, may be drained more effectually or economically in combination than separately, the Commissioner may, with the approval of the Standing Committee, cause such group or block of premises to be drained by such method as appears to the Commissioner to be best suited therefor, and the expenses incurred by the Commissioner in so doing shall be paid by the owners of such premises in such proportions as the Standing Committee may think fit.

(2) Not less than fifteen days before any work under this section is commenced, the Commissioner shall give written notice to the owners of all the premises to be drained of—

(a) the nature of the intended work,

(b) the estimated expenses thereof, and

(c) the proportion of such expenses payable by each owner.

(3) The owners for the time being of the several premises constituting a group or block drained under sub-section (1) shall be the joint owners of every drain constructed, erected or fixed or continued, for the special use and benefit only of such premises, and shall in the proportions in which it is determined that the owners of such premises, are to contribute to the expenses incurred by the Commissioner under sub-section (1), be responsible for the expense of maintaining every such drain in good repair and efficient condition but every such drain shall from time to time be flushed, cleansed and emptied by the Commissioner at the charge of the municipal fund.

Commissioner may close or limit the use of existing private drains.

305. (1) Where a drain connecting any premises with a municipal drain or other place legally set apart for the discharge of drainage is sufficient for the effectual drainage of the said premises and is otherwise unobjectionable, but is not, in the opinion of the Commissioner, adapted to the general drainage system of the city or of that part of the city in which such drain is situated, the Commissioner with the approval of the Standing Committee, may—

(a) subject to the provision of sub-section (2) close, discontinue or destroy the said drain and cause any work necessary for that purpose to be done;

(b) direct that such drain shall, from such date as he may specify in this behalf, be used for sullage and sewage only, or for rain water only, or for unpolluted sub-soil water only, or for both rain water and unpolluted sub-soil water only, and by written notice require the owner or occupier of the premises to make an entirely distinct drain for sullage or sewage or for rain-water or unpolluted sub-soil water, or for both rainfall and unpolluted sub-soil water.

(2) No drain may be closed, discontinued or destroyed by the Commissioner under clause (a) of sub-section (1) except on condition of his providing another drain as effectual for the drainage of the premises and communicating with any municipal drain or other place as aforesaid which the Commissioner thinks fit; and the expenses of the construction of any drain so provided by the Commissioner and of any work done under the said clause (a) shall be paid by the Commissioner at the charge of the Municipal Fund.

(3) Any requisition made by the Commissioner under clause (b) of sub-section (1) may embrace any detail specified in clause (a) or clause (b) of sub-section (1) of section 303.

New building not to be erected without drains.

306. (1) It shall not be lawful newly to erect to re-erect any building, or to occupy any building newly erected or re-erected, unless and until—

(a) a drain be constructed of such size, materials and description, at such level with such fall and outlet as shall appear to the Commissioner to be necessary for the effectual drainage of such building;

(b) there have been provided for and set up in such building and in the premises appurtenant thereto, all such appliances and fittings as may appear to the Commissioner to be necessary for the purpose of gathering and receiving the drainage from, and conveying the same off, the said building and the said premises, and of effectually flushing the drain of the said building and every fixture connected therewith.

(2) The drain to be constructed as aforesaid shall empty into a municipal drain or into some place legally set apart for the discharge of drainage situated at a dis-

tance not exceeding one hundred feet from the premises in which such building is situated; but if no such drain or place is within that distance, then such drain shall empty into such cesspool as the Commissioner directs.

Provision of troughs and pipes to receive water from roofs of building.

307. The Commissioner may, by notice in writing require the owner of any building in any street to put up and maintain in good condition proper and sufficient troughs and pipes for receiving and carrying the water from the roof and other parts of the building and for discharging the water so that it shall not fall upon any street or damage any street or other property vested in the Corporation.

Excrementitious matter not to be passed into cesspool.

308. No person shall, except with the permission of the Commissioner pass or cause or permit to be passed any excrementitious matter into any cesspool made or used section 303 or section 306 or into any drain communicating with any such cesspool.

Obligations of owners of drains to allow use thereof or joint ownership therein to others.

309. Every owner of a drain connected with a municipal drain or other place legally set apart for the discharge of drainage shall be bound to allow the use of it to others, or to admit other persons as joint owners thereof, on such terms as may be specified by the Commissioner.

How right of use or joint ownership of a drain may be obtained by a person other than the owner.

310. Any person desiring to drain his premises into a municipal drain, through a drain of which he is not an owner, may make a private arrangement with the owner for permitting his use of the drain, or may apply to the Commissioner for authority to use such drain or to be declared joint owner thereof.

Commissioner may authorise person other than the owner of a drain to use the same or declare him to be a joint owner thereof.

311. (1) Where the Commissioner is of opinion whether on receipt of such application or otherwise, that the only, or the most convenient, means by which the owner or occupier of any premises can cause the drain of such premises to empty into a municipal drain or other place legally set apart for the discharge of drainage is through a drain communicating with such municipal drain or place aforesaid, but belonging to some person other than the said owner or occupier, the Commissioner, after giving the owner of the drain a reasonable opportunity of stating any objection thereto may, with the approval of the Standing Committee, if no objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, either

authorise the said owner or occupier to use the drain or declare him to be joint owner thereof, on such conditions as to the payment of rent or compensation and as to connecting the drain of the said premises with the communicating drain and as to the respective responsibilities of the parties for maintaining, repairing, flushing, cleaning and emptying the joint drain, or otherwise, as may appear to him equitable.

(2) Every such order of the Commissioner shall be a complete authority to the person in whose favour it is made, or to any agent or persons employed by him for this purpose, after giving or tendering to the owner of the drain the compensation or rent specified in the said order and otherwise fulfilling, as far as possible, the conditions of the said order, and after giving to the owner of the drain reasonable written notice of his intention so to do, to enter upon the land in which the said drain is situate, with assistants and workmen, at any time between sunrise and sunset, and, subject to all provisions of this Act, to do all such things as may be necessary for—

(a) connecting the two drains ; or

(b) renewing, repairing or altering the connection ; or

(c) discharging any responsibility attaching to the person in whose favour, the Commissioner's order is made for maintaining, repairing, flushing, cleansing or emptying the joint drain or any part thereof.

(3) In respect of the execution of any work under sub-section (2), the person in whose favour the Commissioner's order is made shall be subject to the same restrictions and liabilities which are specified in sub-section (4) of section 300.

Sewage and rain water drains to be distinct.

312. Wherever it is provided in this Chapter that steps shall or may be taken for the effectual drainage of any premises, it shall be competent to the Commissioner to require that there shall be one drain for sullage, excrementitious matter and polluted water and another and an entirely distinct drain for rain-water and unpolluted sub-soil water or for both rain-water and unpolluted sub-soil water, each emptying into separate municipal drains or other places legally set apart for the discharge of drainage.

Drain not to pass beneath buildings.

313. Except with the written permission of the Commissioner, and in conformity with such conditions as shall be specified by the Standing Committee, either generally or specially, in this behalf, no drain shall be so

constructed as to pass beneath any part of a building.

Position of Cesspools.

314. No person shall construct a cesspool—

(a) beneath any part of any building or within twenty feet of any lake, tank, reservoir, stream, spring or well ; or

(b) upon any site or in any position which has not been approved in writing by the Commissioner.

Rights of Corporation to drains, etc., constructed, etc., at charge of municipal fund on premises not belonging to the Corporation.

315. All drains, ventilation-shafts and all appliances and fittings connected with drainage-works constructed, erected or set up at the charge of the municipal fund upon a premises not belonging to the Corporation, whether before or after the passing of this Act, and otherwise than for the sole use and benefit of the said premises, shall, unless the Corporation has otherwise determined or shall at any time determine, vest, and be deemed to have always vested, in the Corporation.

All drains and cesspools to be properly covered and ventilated.

316. (1) Every drain and cesspool, whether belonging to the Corporation or to any other person, shall be provided with proper traps and coverings and with proper means of ventilation.

(2) The Commissioner may, by written notice, require the owner of any drain of cesspool not belonging to the Corporation to provide any apply to the said drain or cesspool such trap and cevoring and such means of ventilation as would be provided and applied if such drain or cesspool belonged to the Corporation.

Affixing of pipes for ventilation of drains.

317. (1) For the purpose of ventilating any drain or cesspool, whether belonging to the Corporation or to any other person, the Commissioner may erect upon premises or affix to the outside of any building or to any tree any such shaft or pipe as shall appear to the Commissioner necessary and cut through any projection from any building including the eaves of any roof thereof in order to carry up such shaft or pipe through any such projection; and lay in, through, or under any land, such appliances as may in the opinion of the Commissioner be necessary for connecting such ventilating shaft or pipe with the drain or cesspool intended to be ventilated :

Provided that any shaft or pipe so erected or affixed, shall—

(a) be carried at least fifteen feet higher than any skylight or window situated within a distance of forty feet therefrom ;

(b) if the same be affixed to a wall supporting the eave of a roof, be carried at least five feet higher than such eave ;

(c) be erected or affixed so as to create the least practicable nuisance or inconvenience to the inhabitants of the neighbourhood ;

(d) be removed by the Commissioner to some other place, if any time the owner of the premises, building or tree upon or to which the same has been erected or affixed is desirous of effecting any change in his property which either cannot be carried out, or cannot without unreasonable invonvenience be carried out, unless the shaft or pipe is removed.

(2) If the Commissioner declines to remove a shaft or pipe under clause (d), the owner of the premises, building or tree, upon or to which the same has been erected or affixed, may apply to the Judge and the Judge may, after such enquiry as he thinks fit to make, direct the Commissioner to remove the shaft or pipe and it shall be incumbent on the Commissioner to obey such order.

(3) Where the owner of any building or land cut through, opened or otherwise dealt with under sub-section (1) is not the owner of the drain or cesspool intended to be ventilated, the Commissioner shall, so far as is practicable, reinstate and make good such building and fill in and make good such land, at the charge of the municipal fund.

Special provisions relating to trade effluent.

318. (1) Subject to the provisions hereinafter appearing the occupier of any trade premises may, with the consent of the Commissioner, discharge into the municipal drains any trade effluent proceeding from those premises.

(2) No trade effluent shall be discharged from any trade premises into municipal drain otherwise than in accordance with a written notice, hereinafter referred to as "a trade effluent notice" served on the Commissioner by the owner or occupier of the premises, stating—

(a) the nature or composition of the trade effluent;

(b) the maximum quantity of the trade effluent which it is proposed to discharge in any one day ; and

(c) the highest rate at which it is proposed to discharge the trade effluent, and no trade effluent shall be discharged in accordance with such notice until the

expiration of a period of two months, or such less time as may be agreed to by the Commissioner, from the day on which the notice is served on the Commissioner hereinafter referred to as "the initial period".

(3) Where a trade effluent notice in respect of any premises is served on the Commissioner, he may, at time within the initial period, give to the owner or occupier, as the case may be, of those premises a direction that no trade effluent shall be discharged in pursuance of the notice until a specified date after the end of the initial period and, in so far as the discharge of any trade effluent in accordance with the trade effluent notice requiries the consent of the Commissioner in order to be lawful, the Commissioner may give that consent either unconditionally or subject to such conditions as he thinks fit to impose in respect of—

(a) the drain or drains into which any trade effluent may be discharged in pursuance of the trade effluent notice ;

(b) the nature or composition of the trade effluent which may be so discharged ;

(c) the maximum quantity of any trade effluent which may be so discharged on any one day, either generally or into a particular drain ;

(d) the highest rate at which any trade effluent may be discharged in pursuance of the trade effluent notice, either generally or into a particular drain ; and

(e) any other matter with respect to which bye-laws may be made under this Act ;

but any such condition as aforesaid shall be of no effect if, and so far as, it is inconsistent with any bye-laws so made which were for the time being in force.

Disposal of Sewage.

319. The Commissioner may cause any municipal drain to empty into a tank or other place whether within or without the city and dispose of the sewage at any place, whether within or without the city and in any manner, which he shall deem suitable for such purpose : Appointment of places for emptying of drains and disposal of sewage.

Provided that—

(a) the Commissioner shall not cause any municipal drain to empty into any place into which a municipal drain has not heretofore been emptied, or to dis-

pose of sewage at any place or in any manner at or in which sewage has not heretofore been disposed of without the sanction of the Corporation;

(b) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance;

(c) no municipal drain shall be made to empty into any place and no sewage shall be disposed of at any place or in any manner which the Government shall think fit to disallow.

Provision of means for disposal of sewage.

320. For the purpose of receiving, storing, disinfecting, distributing or otherwise disposing of sewage, the Commissioner may, when authorised by the Corporation in this behalf—

(a) construct any work within or without the City;

(b) purchase or take on ease any land, building, engine, material or apparatus either within or without the City;

(c) enter into an arrangement with any person for any period not exceeding twenty years, for the removal or disposal of sewage within or without the City:

Provided that any power conferred by this section shall be exercised in such manner as to cause the least practicable nuisance.

Water-closets, Privies, Urinals, etc.

Construction of water closets and privies.

321. (1) It shall not be lawful to construct a water-closet or privy for any premises except with the written permission of the Commissioner and in accordance with such terms not being inconsistent with any bye-laws for the time being in force as he may specify.

(2) In specifying any such terms, the Commissioner may determine in each case—

(a) whether the premises shall be served, by the water-closet or by the privy system, or partly by one and partly by the other; and

(b) what shall be the site or position of each water-closet or privy.

(3) If any water-closet or privy is constructed on any premises in contravention of sub-section (1), the Commissioner may, after giving not less than ten days' notice to the owner or occupier of such premises, close such water-closet or privy, and, with the previous approval of the Standing Committee, alter or demolish the

same, and the expeses incurred by the Commissioner in so doing shall be paid by such owner or occupier or by the person offending.

Water closets and other accommodation in buildings newly erected or re-erected.

322. (1) It shall not be lawful newly to erect or to re-erect any building for or intended for human habitation, or at or in which labourers or workmen are to be employed, without such water-closet or privy and such urinal accommodation, and accommodation for bathing or for the washing of clothes and domestic utensils, as the Commissioner may determine.

(2) In determining any such accommodation the Commissioner may specify in each case—

(a) whether such building shall be served by the water-closet or by the privy system, or partly by one and partly by the other;

(b) what shall be the site or position of each water-closet, privy, urinal or bathing or washing place, and their number.

Where there is no such accommodation or the accommodation is insufficient or objectionable.

323. (1) Where any premises are without a water-closet, privy, urinal, or bathing or washing place, or if the Commissioner is of opinion that the existing water-closet, privy, urinal, or bathing or washing place available for the persons occupying or employed in any premises is insufficient, inefficient or on any sanitary grounds, objectionable, the Commissioner may, with the previous approval of the Standing Committee, by written notice require the owner of such premises—

(a) to provide, such, or such additional water-closet, privy, urinal, or bathing or washing place as he determines;

(b) to make such structural or other alterations in the existing water-closet, privy, urinal or bathing or washing place as he determines; or

(c) to substitute water-closet accommodation for any privy accommodation:

Provided that where the water-closet, privy, urinal or bathing or washing place accommodation of any premises—

(a) has been, and is being, used in common by the persons occupying or employed in such premises and any one or more other premises, or

(b) is in the opinion of the Commissioner likely to be so used the Commissioner may, if he is of opinion that such accommodation is insufficient to admit of the same being used by all the persons occupying or employed in all such premises, direct in writing that a separate water-closet, privy, urinal or bathing or washing place be provided on or for each of such other premises :

Provided further that the Commissioner may, if he is of opinion that there is sufficient municipal latrine accomodation available for all the persons occupying or employed in any premises, direct that a separate, water-closet, privy or urinal need not be provided for such premises.

(2) Any requisition under sub-section (1) may compromise any detail specified in sub-section (2) of section 322.

Power to require privy accommodation to be provided for factories, etc.

324. Where it appears to the Commissioner that any premises are, or are intended to be, used as a market, railway station, or other place of public resort or as a place in which persons exceeding twenty in number are employed in any manufacture, trade or business or as workmen or labourers, the Commissioner may, by written notice, require the owner or occupier of the said premises to construct a sufficient number of water-closets or latrines or privies and urinals for the separate use of each sex.

Power of Commissioner as to unhealthy privies.

325. Where the Commissioner is of opinion that any privy is likely, by reason of its not being sufficiently detached from any building to cause injury to the health of any person occupying such building with the previous approval of the Standing Committee he may, by written notice, require the owner or occupier of the premises in or on which such privy is situate either—

(a) to so close up such privy as to prevent any person using the same, and to provide in lieu thereof such water-closet or privy or such urinal as the Commissioner may determine ; or

(b) to provide between the said privy and any portion of the said building such air-space, not exceeding three feet in width, open to the sky, and situate entirely within such limits of the said premises as the Commissioner may determine.

Provisions as to privies.

326. The owner or occupier of any premises on which there is a privy shall—

(a) have between such privy and any building or place used or intended to be used for human habitation, or in which any person may be or may be intended to be employed in any manufacture, trade or business, an air space of at least three feet in width and open to the sky ;

(b) have such privy shut off a sufficient roof and wall or fence from the view of persons dwelling in the neighbourhood or passing by ;

(c) unless and except for such period as he shall be permitted by the Commissioner, under the power next hereinafter conferred, to continue any existing door or trap-door close up and not keep any door or trap-door in such privy opening on to a street :

Provided that the Commissioner may permit the continuance for such period as he may think fit of any existing door or tap-door in a privy opening on to a street, if a nuisance is not thereby created :

Provided further that clause (a) shall not be deemed to apply to privy in existence when this Act comes into force, unless—

(i) there is space available on the premises for the erection of a new privy conformably to the said clause ; and

(ii) the existing privy can be removed and a new one erected as aforesaid without destroying any portion of a permanent building other than the existing privy.

Provisions as to water-closets.

327. The owner or occupier of any premises on which there is a water-closet shall—

(a) have such water-closet divided off from any part of a building or place used or intended to be used for human habitation or in which any person may be or may be intended to be employed in any manufacture, trade or business, by such means as the Commissioner shall deem sufficient ;

(b) have such water-closet in such a position that one of its sides at the least shall be an external wall ;

(c) have the seat of such water-closet placed against an external wall ;

(d) cause such water-closet to be provided with such means of constant ventilation as the Commissioner shall deem adequate, by a window or other aper-

ture in one of the walls of such water-closet, or by an opening directly into the external air, or by an air-shaft or by some other suitable method or appliance;

(e) have such water-closet supplied by a supply cistern and flushing apparatus and fitted with a soil-pan or receiver and such other appliances of such materials, size and description as the Commissioner shall deem necessary; provided always that a cistern from which a water-closet is supplied shall not be used, or be connected with another cistern which is used, for supplying water for any other purpose.

Position of privies and water-closets.

328. No person shall build a privy or water-closet in such a position or manner as—

(a) to be directly over or directly under any room or part of a building other than another privy or water-closet or a bathing place, bath room or terrace;

(b) to be within a distance of twenty feet from any well or from any spring, tank or stream the water whereof is, or is likely to be used whether in natural or manufactured state for human consumption, domestic purposes, or otherwise render the water of any well, spring, tank or stream liable to pollution.

Use of places for bathing or washing clothes or domestic utensils.

329. No person shall use or permit to be used as a bathing place, or as a place for washing clothes or domestic utensils any part of any premises which has not been provided with all such appliances and fittings as shall, in the opinion of the Commissioner, be necessary for collecting the drainage thereof and conveying the same therefrom.

Public necessaries.

330. The Commissioner shall provide and maintain in proper and convenient situations and on sites vesting in the Corporation, water-closets, latrines, privies and urinals and other similar conveniences for the public.

Water-closets, etc., not to be injured or improperly fouled.

331. (1) No person shall injure or foul any water-closet, privy, urinal or bathing or washing place or any fittings or appliances in connection therewith which have been provided for the use in common of the inhabitants of one or more buildings.

(2) If any such water-closet, privy, urinal or bathing or washing place or any fitting or appliance in connection therewith or the approaches thereto or the walls, floors or seats or anything used in connection therewith are in such a state as to be a nuisance or source of annoy-

ance to any inhabitant of the said building or buildings or to any inhabitant of the locality or passer-by for want of proper cleaning thereof, such of the persons having the use thereof as may be in default or, in the absence of evidence as to which of the persons having the use thereof in common is in default, every such person shall be deemed to have contravened the provisions of this section.

(3) The provisions of this section shall not exempt the owner of the building or buildings from any penalty to which he may otherwise have rendered himself liable.

Inspection.

Drains, etc., not belonging to the Corporation to be subject to inspection and examination.

332. All drains, ventilation-shafts and pipes, cesspools, house-gullies, water-closets, privies, latrines and urinals and bathing and washing places which do not belong to the Corporation, or which have been constructed, erected, or set up at the charge of the municipal fund on premises not belonging to the Corporation, for the use or benefit of the owner or occupier of the said premises, shall be open to inspection and examination by the Commissioner.

Power to open ground, etc. for purpose of such inspections and examinations.

333. For the purpose of such inspections and examinations, the Commissioner may cause the ground or any portion of any drain or other work exterior to a building or with approval of the Standing Committee, any portion of building which he shall think fit, to be opened, broken up or removed:

Provided that in the prosecution of any such inspection and examination as little damage as can be, shall be done.

When the expenses of inspection are to be paid by the Commissioner.

334. (1) If upon any such inspection and examination as aforesaid it shall be found that the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place is in proper order and condition, and that none of the provisions of this Chapter has been contravened in respect of the construction or maintenance thereof, and that no encroachment has been made thereupon, the ground or portion of any building, drain or other work, if any, opened, broken up or removed for the purpose of such inspection and examination shall be filled in, reinstated and made good by the Commissioner.

When the expenses of Inspection and examination are to be paid by the owner.

(2) If it shall however be found that any drain, ventilation-shaft, or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place inspected and examined is not in good order or condition, or has been repaired, changed, altered or encroached upon, or except when the same has been constructed by or under the order of the Commissioner, if it has been constructed in contravention of any of the provisions of this Chapter or of any enactment at the time in force, the expenses of the inspection and examination shall be paid by the owner of the premises, and the said owner shall fill in, reinstate and make good the ground, or portion of any building, drain or other work opened, broken up or removed for the purpose of such inspection and examination at his own cost.

Commissioner may require repairs, etc., to be made.

335. (1) When the result of such inspection and examination as aforesaid is as described in sub-section (2) of section 334, the Commissioner may—

(a) by written notice require the owner of the premises or the several owners of the respective premises in which the drain, ventilation-shaft or pipe, cesspool, house-gully, water-closet, privy, latrine, urinal or bathing or washing place is situated or for the benefit of which the same has been constructed, erected, or set up—

(i) to close or remove the same or any encroachment thereupon or subject to the proviso to clause (c) of section 337 to remove any projection over the same, or

(ii) to renew, repair, cover, recover, trap, ventilate, pave and pitch or take such other step with the same as he shall think fit to direct and to fill in, reinstate and make good the ground, building or thing opened, broken up or removed for the purpose of such inspection and examination, and

(b) without notice, close, fill up or demolish any drain by which sullage or sewage is carried through, from, into or upon any premises in contravention of any of the provisions of this Chapter, and the expenses incurred by the Commissioner in so doing shall be paid by such owner or owners.

(2) Any requisition under clause (a) of sub-section (1) in respect of any drain which has been constructed, erected or set up or which is continued for the sole use and benefit of a property or for the exclusive use and

benefit of two or more properties may include any extension thereof beyond such property or properties, if and so far as such extension has been constructed, erected or set up, or is continued, for the sole use and benefit of such property or properties.

Cost of inspection and execution of works in certain cases.

336. In the case of any drain which has been constructed, erected or set up, or which is continued, for the exclusive use and benefit of two or more premises and and which is not—

(a) a drain constructed under section 304, sub-section (1), or

(b) a drain in respect of which conditions as to the respective responsibilities of the parties have been declared under section 311 sub-sction (1); the expenses of any inspection and examination made by the Commissioner under section 332 and of the execution of any work required under section 335, whether executed under section 340 or not, shall be paid by the owners of such premises, in such proportions, as shall be determined—

(i) by the Standing Committee if the aggregate amount of such expenses exceeds rupees one hundred, or

(ii) by the Commissioner if the aggregate amount of such expenses does not exceed rupees one hundred.

General Provisions.

337. No person shall—

Prohibition of acts contravening the provisions of this Chapter or done without sanction.

(a) in contravention of any of the provisions of this Chapter or of any notice issued or direction given under this Chapter, or without the written permission of the Commissioner, in any way alter the fixing, disposition or position of, or construct, erect, setup, renew, rebuild, remove, obstruct, stop up, destroy or change, any drain, ventilation-shaft or pipe, cesspool water-closet, privy, latrine, urinal or bathing or washing place or any trap, covering or other fitting or appliance connected therewith;

(b) without the written permission of the Commissioner, renew, re-build, or unstop any drain, ventilation-shaft or pipe, cesspool, water-closet, privy, latrine or urinal or bathing or washing place, or any fitting or appliance, which has been, or has been ordered to be discontinued, demolished or stopped up under any of the provisions of this Chapter;

(c) without the written permission of the Commissioner, make any projection over or encroachment upon or in any way injure or cause or permit to be injured, any drain, cesspool, house-gully, water-closet, privy, latrine or urinal or bathing or washing place:

Provided that nothing in this clause shall apply to any whether-shade in width not exceeding two feet over any window which does not front a wall or window of an adjoining house;

(d) drop, pass or place, or cause or permit to be dropped, passed or placed into or in any drain, any brick, stone, earth, ashes or any substance or matter by which or by reason of the amount of which such drain is likely to be obstructed;

(e) pass, or cause or permit to be passed, into any drain provided for a particular purpose, any matter or liquid for the conveyance of which such drain has not been provided;

(f) cause or suffer to be discharged into any drain from any factory, bake house, distillery, workshop or work place or from any building or place in which steam, water or mechanical power is employed, any hot water, steam, fumes or any liquid which would prejudicially affect the drain or the disposal by sale or otherwise of the sewage conveyed along the drain or which would from its temperature or otherwise be likely to create a nuisance.

When materials and works may be supplied and done under this chapter for any person by the Commissioner.

338. On the written request of any person who is required under any of the provisions of this Chapter to supply any materials or fittings or to do any work, the Commissioner may, in such person's behalf, supply the necessary materials or fittings, or cause the necessary work to be done; but he shall not do so in any case to which the provisions of sub-section (3) of section 641 or section 643 will not apply unless a deposit is first of all made by the said person of a sum which will in the opinion of the Commissioner, suffice to cover the cost of the said materials, fittings and work.

Work to be done by licensed plumber; permission to use as drain.

339. (1) No person shall permit any work described in this Chapter to be executed except by a licensed plumber:

Provided that if, in the opinion of the Commissioner, the work is of a trial nature, he may grant permission in writing for the execution of such work by a person

other than a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Every such person shall, within one month after completion of any such work and before permitting the same or any portion thereof to be filled in or covered over, deliver or send or cause to be delivered or sent to the Commissioner at his office notice in writing of the completion of such work, accompanied by a certificate in the form of Schedule Osigned by the licensed plumber by whom the same has been executed, who is hereby required immediately upon completion of the work and upon demand by the person employing him to sign and give such certificate to such person, and shall give to the Commissioner all necessary facilities for the inspection of such works :

Provided that—

(a) such inspection shall be made within seven days from the date of receipt of the notice of completion ; and

(b) the Commissioner may within seven days after such inspection, by written intimation addressed to the person from whom the notice of completion was received and delivered at his address as stated in such notice, or in the absence of such address, affixed to a conspicuous part of the premises in which such work has been executed—

(i) give permission for the filling in or covering over of such work ; or

(ii) require that before such work is filled in or covered over, it shall be amended to the satisfaction of the Commissioner in any particular in respect of which it is not in accord with a requisition previously made by the Commissioner or contravenes some provisions of this Act or of the bye-laws made thereunder.

(4) No person shall permit any such work to be used as a drain or part of a drain until—

(a) the permission referred to in proviso (b) to sub-section (3) has been received ; or

(b) the Commissioner has failed for fourteen days after receipt of the notice of completion to intimate as aforesaid his refusal of permission for filling in or covering over of such work.

Commissioner may execute certain works under this Chapter without allowing option to persons concerned of executing the same.

340. (1) The Commissioner, may, if he thinks fit, cause any work described in this Chapter to be executed by municipal or other agency under his own orders; without first of all giving the person by whom the same would otherwise have to be executed, the option of doing the same.

(2) The expenses of any work so done shall be paid by the person aforesaid, unless the Corporation shall, by a general or special order or resolution, sanction as they are hereby empowered to sanction, the execution of such work at the charge of the municipal fund.

CHAPTER X.

Water Supply.

Definitions.

341. In this chapter, unless there is anything repugnant in the subject or context,—

(a) 'Communication pipe' means a pipe extending from a municipal water-main up to and including the municipal stop-cock ;

(b) 'Consumer' means any person who uses or is supplied with water from a municipal water work or on whose application such water is supplied and includes any person liable to the Corporation under the provisions of this Act for the payment of water tax or any sum for the water supplied from a municipal water work ;

(c) 'Consumer's pipe' means a pipe used in connection with the supply of water from any municipal water work and which is not the property of the Corporation ;

(d) 'distributing pipe' means any pipe not subject to water pressure from a municipal water main ;

(e) 'fitting' includes a pipe, coupling, flange, branch, bend, stop, ferule, stop tap, bib tap, spring tap, pillar tap, globe tap, ball-cock, boiler, pump, meter, hydrant and any other apparatus or article used for the purpose of conveying or storing water supplied by the Corporation ;

(f) 'municipal stop-cock' means the stop-cock which controls the supply of water from a municipal water main ;

(g) 'supply pipe' means the pipe extending from a municipal stop-cock up to the ball-cock of the storage tank, if any, and any pipe subject to pressure from a municipal water main.

General powers for supplying the city with water.

342. For the purpose of providing the city with a supply of water proper and sufficient for public and private purposes, the Commissioner when authorised by the Corporation in this behalf, may—

(a) construct and maintain water works, either within or without the city, and do any other necessary acts;

(b) purchase or take on lease any water work or any water or right to store or to take and convey water, either within or without the city;

(c) enter into an arrangement with any person for a supply of water.

Municipal water works to be managed and kept in repair by the Commissioner.

343. The Commissioner shall manage all municipal water works and maintain the same in good repair and efficient condition and shall cause all such alterations and extensions to be, from time to time, made in the said water works as shall be necessary or expedient for improving the said works.

Inspection of Municipal water works by persons appointed by Government.

344. Any person appointed by Government in this behalf shall at all reasonable times have liberty to enter upon and inspect any municipal water work.

Power of access to Municipal water works.

345. (1) The Commissioner and any person appointed by Government under section 344 in this behalf may, for the purpose of inspecting or repairing or executing any work in, upon or in connection with any municipal water works, at all reasonable times—

(a) enter upon and pass through any land within or without the City adjacent to or in the vicinity of such water works, in whomsoever such land may vest;

(b) cause to be conveyed into and through any such land all necessary men, materials, tools and implements.

(2) In the exercise of any power conferred by this section as little damange as can be, shall be, done and compensation for any damage which may be done in the exercise of said power shall be paid by the Commissioner or if any person appointed under section 344 by the Government, has caused the damage by the Government.

Power of carrying water mains, etc.

346. (1) For the purpose of carrying, renewing and repairing water-mains, pipes and ducts within or without the City, the Commissioner have the same powers and be subject to the same restrictions as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing drains within the city.

(2) This section shall apply in respect of carrying, renewing, and repairing private water-mains, pipes and ducts as it applies in respect of carrying, renewing and repairing municipal water-mains, pipes and ducts.

Fire hydrants to be provided.

347. The Commissioner shall cause fire-hydrants and all necessary works, machinery and assistance for supplying water in case of fire to be provided and maintained and shall have painted or marked on the buildings and walls or in some other cospicuous manner, within the streets, words or marks near to such hydrants to denote the situation thereof, and shall cause a hydrant key to be deposited with the Officer-in-Charge of fire station at each place within the City and do such other things for the purpose aforesaid as he shall deem expedient.

Prohition of certain acts affecting the municipal water works.

348. (1) Except with the permission of the Corporation, no person shall—

(a) erect or re-erect any building for any purpose whatever on any part of such area as shall be demarcated by the Commissioner surrounding any lake, tank, well or reservoir from which a supply of water is derived for a municipal water works ;

(b) remove, alter, injure, damage or in any way interfere with the demarcation works of the area aforesaid ;

(c) extend, alter or apply to any purpose different from that to which the same has been heretofore applied, any building already existing within the area aforesaid ; or

(d) carry on, within the area aforesaid, any operation of manufacture, trade or agriculture in any manner, or do any act whatever, whereby injury may arise to any such lake, tank, well or reservoir or to any portion thereof or whereby the water of any such lake, tank, well or reservoir may be fouled or rendered less wholesome.

Except as hereinafter provided, no person shall—

(a) cause or suffer to percolate or drain into or upon any municipal water work or to be brought

thereinto or thereupon anything, or to be done any act, whereby the water therein may be in any way fouled or polluted or its quality altered;

(b) alter the surface of any municipal land adjacent to or forming part of any such work by digging thereinto or depositing thereupon any substance;

(c) cause or suffer to enter into the water in such work any animals;

(d) throw or put anything into or upon the water in such work;

(e) bathe in or near such work; or

(f) wash or cause to be washed in or near such work any animal or thing.

Buildings, etc., not to be erected over municipal water main without permission.

349. (1) Without the written permission of the Commissioner, no building, wall or structure of any kind shall be newly erected or re-erected and no street or minor railway shall be constructed on any municipal water main.

(2) If any building, wall or structure be so erected or re-erected or any street or minor railway be so constructed, the Commissioner may with the approval of the Standing Committee, cause the same to be removed or otherwise dealt within such manner as shall appear to him fit, and the expenses thereby incurred shall be paid by the person offending.

Vesting of public drinking fountains, etc., in the Corporation.

350. (1) All existing public drinking fountains, tanks, reservoirs, cisterns, pumps, wells, ducts and works for the supply of water for the gratuitous use of the inhabitants of the City shall vest in the Corporation and be under the control of the Commissioner.

(2) The Commissioner shall maintain the said works and provide them with water, and when authorised by the Corporation in this behalf may construct any other such works for supplying water for the gratuitous use of the inhabitants of the City:

Provided that water carried away by any of the inhabitants from any such work shall be taken only for personal or domestic purposes and not for the purpose of business or sale and shall not, except with the written permission of the Commissioner, be carried away in any vehicle.

(3) The Commissioner may temporarily, and with the approval of the Corporation permanently close any of the said works either entirely or partially.

(4) If any such work is permanently closed either entirely or partially by the Commissioner the site thereof, or of the portion thereof which is so closed, and the materials of the same may be disposed of as the property of the Corporation :

Provided that if any such work which is permanently closed, either entirely or partially, was a gift to the public by some private person, the said site and the materials or the proceeds of the sale thereof, shall unless by reason of their value being insignificant or for other sufficient reason the Corporation thinks fit to direct otherwise, be applied to or towards some local work of public utility bearing the name of such person, or to or towards any such local work which shall be approved by the Corporation and by the heirs or other representatives, if any, of the said person.

Public drinking, fountains, etc., may be set apart for particular purpose.

351. (1) The Commissioner may assign and set apart each of the said works and the water therein for use by the public for such purpose only as he shall think fit, and shall cause to be indicated, by a notice affixed on a conspicuous spot on or near each such work, the purpose for which the same is so assigned and set apart.

(2) No person shall make use of any such work or of any water therein for any purpose other than the purpose for which the same has been so assigned or set apart.

Private Water Supply.

Conditions on which water supply may be provided.

352. (1) Subject to the provision of sub-sections (2), (3) and (4) supply pipes for conveying to any premises a private supply of water from a municipal waterwork shall not be connected with such waterwork except on the written application or with the written assent of the owner of the premises, or of the person primarily liable for the payment of property taxes on the said premises.

(2) But if it shall appear to the Commissioner that any premises situate within any portion of the City in which a public notice has been given by the Commissioner under clause (b) of section 200 are without a supply of pure water obtainable on the premises and adequate

to the requirements of the persons, usually occupying or employed upon the said premises, the Commissioner shall by written notice, require the owner of the said premises or the person primarily liable for the payment of property taxes thereon, to obtain a supply adequate as aforesaid from a municipal waterwork and to provide supply and distributing pipes, cisterns and fitting and do all such works as may in the opinion of the Commissioner be necessary for that purpose.

(3) If the written assent of the owner of any premises or the person primarily liable for the payment of property taxes referred to in sub-section (1) is withheld from a tenant of such premises who applies for such assent, such tenant may appeal to the Commissioner who shall, if he is satisfied that the assent has been unreasonably withheld and if the provisions of sub-section (2) are satisfied, give notice as provided therein.

(4) The Commissioner may refuse to grant a connection, in respect of any premises if he is satisfied that the arrangements for draining waste water from such premises are inadequate or that the supply of water through communication pipes is likely to cause such premises to be in an insanitary condition or to create a nuisance, unless such measures as he may direct are carried out for disposing of the waste water or for preventing the creation of insanitary conditions or a nuisance.

Making and renewing connection with municipal water works.

353. (1) No connection with any municipal waterwork shall be made or renewed—

(a) except by a municipal officer or servant empowered in that behalf by the Commissioner; and

(b) until the certificate specified in sub-section (4) has been given.

(2) In every case where a new connection with a municipal waterwork is made or an existing connection requires renewal, all necessary communication pipes and fittings thereon, shall be supplied by the Commissioner, and the work or laying and applying such communication pipes and fittings shall be executed by municipal agency under the Commissioner's orders; and the cost of all such materials and work shall be paid by the owner or occupier of the premises.

(3) Every such communication pipe and fittings thereon shall vest in the Corporation and be maintained at the charge of the municipal fund as a municipal water work.

(4) All supply and distributing pipes and cisterns and fittings not being the property of the Corporation shall be laid and applied under the supervision and to the satisfaction of a municipal officer appointed by the Commissioner in that behalf, who shall give and sign a certificate, free of charge, when such supply and distributing pipes, cisterns and all necessary fittings have been laid, applied and executed in a satisfactory manner and when proper and sufficient arrangements have been made for draining of waste water.

(5) Where any supply or distributing pipe, cistern or such fittings is laid, applied, added to or altered, or any connection is made in contravention of this section the Commissioner may, with the previous approval of the Standing Committee, remove such supply or distributing pipe, cistern, fitting or connection, or additions or alterations thereto, and make good such pipe, cistern, fittings or connection; and the owner and occupier of the premises in which or for supply to which such supply or distributing pipe, cistern or fitting has been laid, applied, added to or altered or such connection has been, made, shall be jointly and severally liable to pay the expenses incurred by the Commissioner in so doing.

Commissioner may take charge of private connections.

354. (1) The Commissioner may, by agreement with a consumer, take charge on behalf of the Corporation of all or any of the consumer's pipes and fittings:

Provided that if any of such pipes or fittings are communication pipes or fittings only not vesting in the Corporation, the Commissioner may, if he thinks fit, take charge of the same without such agreement.

Any consumer's pipes and fittings, of which the Commissioner takes charge under this section, shall thereafter vest in, and be maintained at the expense of the Corporation as a Municipal waterwork.

(2) The Commissioner may, if at any time he deems it expedient to alter the position of an existing connection with any municipal water-work, or of any consumer's pipe or fitting thereof, and after giving to the owner of such connection, pipe or fitting not less than four days previous notice of his intention so to do, cause the said connection, pipe or fitting to be moved to such other position as he thinks fit and relaid applied, or others to be liad and applied in lieu thereof, in such position as he may direct; and in every such case all such work shall

be carried out at the expense of the municipal fund and such new connection, pipe and fitting shall thereafter vest in the Corporation and be maintained at the charge of the municipal fund as a municipal waterwork.

(3) (a) The Commissioner may, whenever it shall appear to him to be necessary, by written notice require the owner of any premises furnished with a private water supply from any municipal waterwork to provide such premises within a reasonable period which shall be specified in the said notice, with cistern and fittings of such size, material, quality and description and placed in such position and with such safe and easy means of access as he thinks fit;

(b) the Commissioner may also in like manner require the owner of any premises to provide such safe and easy means of access as he thinks fit to any existing cistern which on an examination under section 359 is found to be not easily accessible;

(c) the Commissioner shall also from time to time determine the size, material, quality, description and position of the pipes and fittings to be employed for the purpose of any connection with, or of any communication from, any municipal waterwork, and no such connection or communication shall be made by any person otherwise than as so determined;

(d) the Commissioner shall likewise determine the size, material, quality and description of the pipes, cisterns and fittings to be employed for the purposes of replacing any pipes, cisterns and fittings found on an examination under section 359 to be so defective that they cannot be effectively repaired.

Provision for keeping cisterns locked.

355. (1) The Commissioner may, by written notice, require the owner of any premises furnished with a cistern or in respect of which the Commissioner has required a cistern to be furnished, to provide such cistern with a lock and key of such pattern, material and quality as the Commissioner shall in such notice determine and may in like manner require any lock or key found to be defective on an inspection under section 359 to be replaced.

(2) Every cistern so provided with a lock shall be kept permanently locked and the key shall then be delivered to the Commissioner.

Communication pipes, etc., to be kept in efficient repair by owner or occupier of premises.

356. (1) It shall be incumbent on the owner or occupier of any premises to which a private water supply is furnished from any municipal waterwork, to keep in a thoroughly clean condition and to maintain and keep in efficient repair every supply and distributing pipe conveying water from the said waterwork to such premises and every meter for measuring water, not being a municipal meter and every cistern and fitting in or connected with any such pipe, so as effectually to prevent the water from running to waste.

(2) When an occupier of any premises is served with a notice under sub-section (2) of section 359, he may, after giving to the person to whom he is responsibe for the payment of his rent three days' notice in writing, himself have the repairs executed and in such event he shall be entitled to deduct from any rent due or to become due by him to such person the actual expenses incurred by him in complying with the notice served under sub-section (2) of section 359.

Provision of meters when water is supplied by measurement.

357. (1) Where water is supplied by measurement, the Commissioner may either provide a meter and charge the consumer for the same such rent as shall from time to time be fixed in this behalf by the Standing Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Commissioner shall approve for this purpose.

(2) The Commissioner shall at all times keep all meters and other instruments for measuring water, let by him for hire to any person, in proper order for correctly registering the supply of water, and in default of his so doing such person shall not be liable to pay rent for the same during such time as such default continues.

Register of meter to be evidence.

358. Where water is supplied by measurement, the register of th meter or other instrument for measuring water shall be **prima facie** evidence of the quantity consumed.

Inspection.

Commissioner, etc., may inspect premises in order to examine meter, communication pipes, etc.

359. (1) The Commissioner may make an inspection of any premises to which a private water supply is furnished by the corporation in order—

(a) to remove, test, examine and replace any meter for measuring water; or

(b) to examine any supply or distributing pipe, cistern, lock or fitting; or

(c) to see if there be any waste or misuse of water.

(2) The Commissioner may, by written notice, require the owner or occupier of the premises to remedy any defect which shall be found to exist in or to clean, any such meter, not being a municipal meter let to him for hire, or any such supply or distributing pipe, cistern, lock or fitting.

Cutting of private water supply.

Power to cut off private water-supply or to turn off water.

360. The Commissioner may cut off the connection between any municipal water-work and any premises to which a private water-supply is furnished by the Corportion or turn off the water from such premises in any of the following cases, namely :—

(a) in default of payment of any instalment of water tax or of any sum due for water or hire of meter or expenses of any work done under or by virtue of the provisions of section 353, 357 or 370 within fifteen days after a notice of demand for such tax or sum has been duly presented ;

(b) if the owner of the premises neglects, within the period specified in this behalf in any notice given under sub-section (3) of section 354 or under section 355, to comply with any requisition made to him by the Commissioner regarding the provision of any cistern, fitting, lock or key or any means of access to such cistern ;

(c) if the owner or occupier of the premises fails, within the period specified in this behalf in any notice given under sub-section (2) of section 359, to comply with the terms of such notice or fails to use articles of the kind determined under clause (d) of sub-section (3) of section 354 ;

(d) if after receipt of a written notice from the Commissioner requiring him to refrain from so doing, the owner or occupier of the premises continues—

(i) to use the water, or to permit the same to be used, in contravention of any bye-law made under this Act or of any condition imposed under sub-section (2) of section 227 ;

(ii) in case where payment for the water in made not by measurement, to permit any person not residing on premises in respect of which water tax is paid to carry away from such owner's or occupier's

premises water derived from the municipal water work;

(e) if the owner or occupier of the premises wilfully or negligently injures or damages any meter, pipe, cistern or fitting or lock thereof in such premises;

(f) if the owner or occupier of the premises fails to to comply with any requisition made on him by the Commissioner under sub-section (2) of section 371, to furnish the name of the licensed plumber:

Provided that—

(i) in any case under clause (a) the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice of demand in respect of the tax or sum has been affixed to a conspicuous part of the premises;

(ii) in cases under clauses (a), (b), (d) and (f) the Commissioner shall not take action without the sanction of the Standing Committee;

(iii) in cases under clauses (c) and (e) the Commissioner shall not take action unless written notice of not less than twenty four hours has been given to the owner or occupier of the premises;

(iv) in any case falling under clause (b), the Commissioner shall not take action unless not less than fifteen days previously a copy of the notice under sub-section (3) of section 354 or under section 355, as the case may be, has been affixed to a conspicuous part of the premises.

Conditions as to use of water not to be contravened.

361. No person to whom water is supplied by measurement or on payment of a fixed periodical sum shall contravene any condition imposed under sub-section (2) of section 227 for the use of such water, or permit any such condition to be contravened.

Powers of Commissioner to carry private mains through land belonging to other persons.

362. The Commissioner shall have the same powers and be subject to the same restrictions for carrying, renewing and repairing, private water mains, pipes and ducts as he has and is subject to under the provisions hereinbefore contained for carrying, renewing and repairing private drains.

Water pipes, etc., not to be placed where water will be polluted.

363. No water pipes shall be laid in a drain or on the surface of an open channel or house-gully or within twenty feet of a cesspool or in any position where the pipe is likely to be injured or the water therein polluted; and no well or tank and except with the consent of the Commissioner, no cistern shall be constructed within twenty feet of a privy, water-closet or cesspool.

Prohibition of fraudulent and unauthorised use of water.

364. (1) No person shall fraudulently dispose of any water supplied to him by the Corporation.

(2) No person to whom a private supply of water is furnished by the Corporation shall, except when the water supplied is charged for by measurement, permit any person who does not reside on premises in respct of which water tax is paid to carry away water from the premises to which it is supplied.

(3) No person, who does not reside on premises in respect of which water tax is paid, shall carry away water from any premises to which a private supply is furnished by the Corporation, unless, in any case in which such supply is charged for by measurement, he does so with the permission of the person to whom such supply is furnished.

365. (1) No person shall fraudulently—

Prohibition of fraud in respect of meters.

(a) alter the index to any meter or prevent any meter from duly registering the quantity of water supplied ;

(b) abstract or use water before it has been registered by a meter set up for the purpose of measuring the same.

(2) The existence of artificial means under the control of the consumer for causing any such alteration, prevention, abstraction or use shall be evidence that the consumer has fraudulently effected the same.

General Provisions.

366. No person shall wilfully or negligently—

Prohibition of wilful or neglectful acts relating to water works.

(a) injure or suffer to be injured any meter belonging to Corporation or any of the fittings of any such meter ;

(b) break, injure or open any lock, cock, valve, pipe, work engine, cistern or fitting, appertaining to any municipal water-work ;

(c) flush or draw off the water from any such water work, thereby causing such water to be wasted;

(d) do any act or suffer any act to be done whereby the water in or derived from any municipal water work shall be wasted;

(e) obstruct, divert or in any way injure or alter any water main or duct;

(f) except with the permission of the Commissioner, open, break, injure or tamper with any lock furnished under section 355.

Compensation to be payable by offenders against section 364 or 365.

367. Compensation shall be paid by the offender for any damage which the Corporation may sustain by reason of any contravention of section 364 or section 365.

What persons to be liable for offences under certain provisions of this Chapter.

368. If it shall be shown that an offence against some provision of this Chapter or against some bye-laws made under this Act at the time in force relating to water supply has occurred on any premises to which a private supply of water is furnished by the Corporation, the owner, the person primarily liable for the payment of water tax and the occupier of the said premises shall be jointly and severally liable for the same.

When materials and works may be supplied and done under this Chapter for any person by the Commissioner.

369. On the written request of any person who is required under any of the provisions of this Chapter to supply any materials, fittings, cistern or lock and key or to do any work, the Commissioner may, on such person's behalf, supply the necessary materials, fittings, cistern or lock and key, as the case may be, or cause the necessary work to be done, but he shall not do so in any case to which the provisions of sub-section (3) of section 641 or 643 will not apply, unless a deposit is first of all made by the said person of a sum which will, in the opinion of the Commissioner, suffice to cover the cost of the said material, fitting, cistern, lock and key or work.

Commissioner may execute works under this Chapter without allowing option to persons concerned of executing the same.

370. (1) The Commissioner may, if he thinks fit, cause any work described in this Chapter to be executed or any cistern to be supplied with a lock and key by municipal or other agency under his own orders, without first of all giving the person by whom or to whom the same would otherwise have to be executed or supplied the option of doing or supplying the same.

(2) The expenses of any work so done or of supplying such lock and key shall be paid by the person aforesaid, unless the Corporation shall, by a general or special

order or resolution, sanction, as they are hereby empowered to sanction, the execution of such work or the supply of such lock and key at the charge of the municipal fund.

Work under Chapter X to be done by licensed plumber.

371. (1) No person other than a licensed plumber shall execute any work described in this Chapter, other than the provision of a lock and key and no person shall permit any such work to be executed except by a licensed plumber.

(2) Every person who employs a licensed plumber to execute any such work shall, when so required, furnish to the Commissioner the name of such plumber.

(3) Where any person causes or permits any pipe, cistern or fitting or other work necessary for conveying a private supply of water from a municipal water-work into any premises to be laid, applied or executed in contravention of sub section (1), he shall in addition to being liable to the penalty provided for such contravention not be entitled to an independent or branch connection until the defects, if any, in such pipe, cistern, fitting or work are removed to the satisfaction of the Commissioner.

Power to supply water without the city.

372. The Commissioner may supply water from a municipal water-work to any local authority or person without the city on such terms as to payment and as to the period and conditions of supply as shall be, either generally or specially, approved by the Corporation.

CHAPTER XI.

REGULATION OF STREETS.

Construction, Maintenance and Improvement of Public Street.

Vesting of public streets in the Corporation.

373. All streets within the city being or which at any time become public streets, and the pavements, stones and other materials thereof, shall vest in the Corporation and be under the control of the Commissioner.

Powers of Commissioner in respect of public streets.

374. (1) The Commissioner shall from time to time cause all public streets vested in the Corporation to be levelled, metalled or paved, channelled, altered and repaired, as occasion shall require; he may also from time to time widen, extend or otherwise improve any such street or cause the soil thereof to be raised, lowered or

altered and may place and keep in repair fences and posts for the safety of pedestrians:

Provided that no widening, extension or other improvement of a public street, the aggregate cost of which will exceed rupees five thousand or such higher amount as the Corporation may from time to time fix, shall be undertaken by the Commissioner unless or until such undertaking has been authorised by the Corporation.

(2) With the sanction of the Corporation the Commissioner may permanently close the whole or any part of a public street vested in the Corporation:

Provided that such sanction of the Corporation shall not be given unless, one month at least before the meeting at which the matter is decided, a notice signed by the Commissioner has been put in the street or part of a street which it is proposed to close, informing the residents of the said proposal, nor until the objections to the said proposal, if any, made in writing at any time before the day or the said meeting, have been received and considered by the Corporation.

Disposal of land forming site of closed street.

375. Whenever any public street, or part of a public street is permanently closed under section 374 the site of such street, or of the portion thereof which has been closed, may be disposed of as land vesting in the Corporation.

Power to make new public streets.

376. The Commissioner when authorised by the Corporation in this behalf may at any time—

(a) lay out and make a new public street;

(b) agree with any person for the making of a street for public use through the land of such person, either entirely at the expense of such person or partly at the expense of such person and partly at the expense of the Corporation, and that such street shall become, on completion, a public street, which shall vest in the Corporation;

(c) declare any street made under any scheme of the City Improvement Board to be a public street.

Minimum width of new public streets.

377. (1) The Corporation shall from time to time specify the minimum width for different classes of public streets according to the nature of the traffic likely to be carried thereon, the localities in which they are situated, the heights up to which buildings abutting thereon may be erected and other similar considerations.

(2) The width of a new public street made under section 376 shall not be less than that specified under sub-section (1) for the class to which it belongs, and no steps and, except with the written permission of the Commissioner under section 399 no other projections shall extend on to any such street.

Power to adopt, construct or alter any sub-way, bridge, etc.

378. The Commissioner when authorised by the Corporation in this behalf, may agree with any person;

(a) to adopt and maintain any existing or projected sub-way, bridge, viaduct or arch, and the approaches thereto, and may accordingly adopt and maintain such sub-way, bridge, viaduct or arch and approaches as parts of public streets or as property vesting in the Corporation, or

(b) for the construction or alteration of any such sub-way, bridge, viaduct or arch or for the purchase or acquisition of any adjoining land required for the foundations and support thereof or for the approaches thereto, either entirely at the expense of such person or partly at the expense of such person and partly at th expense of the Corporation.

Power to prohibit use of public streets for certain kinds of traffic.

379. (1) It shall be lawful for the Commissioner with the sanction of the Corporation to—

(a) prohibit vehicular traffic in any particular public streets, vesting in the Corporation so as to prevent danger, obstruction or inconvenience to the public by fixing up posts at both ends of such street or portion of such set:

(b) prohibit in respect of all public streets, or particular public streets, the transit of any vehicle of such form, construction, weight or size or laden with such heavy or unwieldy objects as may be deemed likely to cause injury to the roadways or any construction thereon, or risk or obstruction to other vehicles or to pedestrians alone or over such street or streets except under such conditions as to time, mode of traction or locomotion, use of appliances for protection of the road-way, number of lights and assistants and other general precautions and the payment of special charges as may be specified by the Commissioner generally or specially in each case.

(2) Notices of such prohibitions as are imposed under sub-section (1) shall be posted up in conspicuous places at or near both ends of the public streets or portions thereof to which they relate, unless such prohibitions apply generaly to all public streets.

Power to acquire premises for improvement of public streets.

380. (1) The Commissioner may, subject to the provisions of sections 146, 147 and 148:—

(a) acquire any land required for the purpose of opening, widening, extending, diverting or otherwise improving any public street, bridge, or subway or of making any new public street, bridge or subway, and the buildings, if any, standing upon such land;

(b) acquire in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon as it shall deem expedient for the Corporation to acquire outside of the regular line or of the intended regular line of such street;

(c) lease, sell or otherwise dispose of any land or building purchased under clause (b).

(2) The acquisition of land for providing, extending or improving a place for the parking of vehicles shall be deemed to be an acquisition of land for the purpose of providing, extending or improving a public street.

(3) Any conveyance of land or of a building under clause (c) of sub-section (1) may comprise such conditions as the Commissioner thinks fit, as to the removal of the existing building, the description of new building to be erected, the period within which such new building shall be completed and other such matters.

Preservation of regular line in Public Street.

Power to determine the regular line of street.

381. (1) The Commissioner may—

(a) determine a line on one or both sides of any public street:

Provided that every regular line of a public street operative under any law for the time being in force in any part of the City on the day immediately preceding the appointed day shall be deemed to be a street line for the purposes of this Act until a street line is prescribed by the Commissioner under this clause;

(b) from time to time, but subject, in each case to the previous approval of the Standing Committee

determine a fresh line in substitution for any line so determined or for any part thereof :

Provided that such approval shall not be accorded unless, at least one month before the meeting of the Standing Committee at which the matter is decided, public notice of the proposal has been given by the Commissioner by advertisement in the local newspapers and special notice thereof, signed by the Commissioner, has also been put up in the street or part of the street for which such fresh line is proposed to be determined and until the Standing Committee has considered all objections to the said proposal made in writing and delivered at the office of the Municipal Secretary not less than three clear days before the day of such meeting.

(2) The line for the time being determined shall be called the 'regular line of the street'.

(3) A register with plans attached shall be kept by the Commissioner showing all public streets in respect of which a regular line of the street has been determined and such register shall contain such particulars as may appear to the Commissioner to be necessary and shall be open to inspection.

(4) (a) Subject to the provisions of sub-section (5) no person shall construct or reconstruct any portion of any building on land within the regular line of the street except with the written permission of the Commissioner and in accordance with the conditions imposed therein and the Commissioner shall in every case in which he gives such permission, at the same time, report his reasons in writing to the Standing Committee ;

(b) No person shall construct or reconstruct any boundary wall or a portion of a boundary wall within the regular line of the street except with the written permission of the Commissioner:

Provided that if, within sixty days from after the receipt of an application from any person for permission to construct or reconstruct a boundary wall or a portion thereof, the Commissioner fails to acquire the land within the regular line of the street under section 284 the said person may, subject to any other provisions of this Act or of the bye-laws, made thereunder proceed with the work of construction or reconstruction of such boundary wall or a portion thereof, as the case may be.

(5) (a) When the Commissioner grants permission under clause (a) of sub-section (4) for the construction or reconstruction of any building or land within the regular line of the street he may require the owner of the building to execute an agreemnt binding himslf and his successors in title not to claim compensation in the event of the Commissioner at any time thereafter calling upon him or any of his successors by written notice to remove any work carried out in pursuance of such permission or any portion thereof and to pay the expenses of such removal if, in default, such removal is carried out by the Commissioner.

(b) The Commissioner may before granting such permission require the owner to deposit in the Chief Municipal Office an amount sufficient in his opinion to cover the cost of removal and such compensation, if any, as may be payable to any successor in title or transference of such building.

Setting back buildings to the regular line of the street.

382. (1) If any building or any part of a building abutting on a public street is within the regular line of the street, the Commissioner may, whenever it is proposed—

(a) to rebuild such building or to take down such building to an extent exceeding one-half thereof above the ground level such half to be measured in cubic feet; or

(b) to remove, reconstruct or make any addition to or structural alteration in any portion of such building which the regular line of the street in any order which he issues concerning the rebuilding, alteration or repair of such buildings, require such building to be set back to the regular line of the street.

(2) When any building or any part thereof within the regular line of the street falls down or is burnt down or is taken down, whether under the provisions of this Act or otherwise, the Commissioner may at once take possession on behalf of the Corporation of the portion of land within the regular line of the street theretofore occupied by the said building and, if necessary, clear the same.

(3) Land acquired under this section shall thenceforward be deemed a part of the public street and shall vest as such in the Corporation.

Additional power of Commissioner to order setting back of building or regular line of the street.

383. (1) If any building or any part thereof is within the regular line of a public street and if, in the opinion of the Commissioner, it is necessary to set back the building to the regular line of the street he may, if the provisions of section 382 do not apply, by written notice—

(a) require the owner of such building to show cause within such period as is specified in such notice by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquired by the Commissioner; or

(b) require the said owner on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf and show cause why such building or any part thereof which is within the regular line of the street shall not be pulled down and the land within the said line acquire by the Commissioner.

(2) If such owner fails to show sufficient cause to the satisfaction of the Commissioner why such building or any part thereof, which is within the regular line of the street shall not be pulled down and the land within the said line acquired as aforesaid the Commissioner may, with the approval of the Standing Committee, require the owner by written notice, to pull down the building or the part thereof which is within the regular line of the street within such period as is specified in the notice.

(3) If within such period the owner of such building fails to pull down such building or any part thereof coming within the said line, the Commissioner may pull down the same and all the expenses incurred in so doing shall be paid by the owner.

(4) The Commissioner shall at once take possession on behalf of the Corporation of the portion of the land within the said line occupied by the said building, and such land shall thenceforward be deemed to be a part of the public street and shall vest as such in the Corporation.

(5) Nothing in this section shall be deemed to apply to buildings vesting in the State.

Acquisition of open land or of land occupied by platforms, etc., within regular line of street.

384. If any land not vesting in the Corporation, whether open or closed, lies within the regular line of a public street and is not occupied by a building, or if a platform, verandha, step, compound wall, hedge or fence or some other structure external to a building, abutting on a public street or a portion of a platform, verandah, step, compound wall, hedge or fence or other such structure, is within the said line of such street, the Commissioner may after giving to the owner of the land or building not less seven clear days written notice of his intention to do so, take possession on behalf of the Corporation of the said land with its enclosing wall, hedge or fence, if any, or of the said platform, verandah, step or other structure as aforesaid or of the portion of the said platform, verandah, step or other such structure as aforesaid which is within the regular line of the street and, if necessary, clear the same and the land so acquired, shall thenceforward be deemed a part of the public street:

Provided that when the land or building is vested in the State possession shall not be taken as aforesaid, without the previous sanction of the Government concerned and, when the land or building is vested in any Corporation constituted by any law for the time being in force, possession shall not be taken as aforesaid, without the previous sanction of the Government.

Acquisition of the remaining part of building and land after their portions within a regular line of the street are acquired.

385. (1) If a building or land is partly within the regular line of a public street and if the Commissioner is satisfied that the land remaining after the excision of the portion within the said line will not be suitable or fit for any beneficial use, he may, at the request of the owner, acquire such land in addition to the land within the said line and such surplus land shall be deemed to be a part of the public street vesting in the Corporation.

(2) Such surplus land may thereafter be utilised for the purpose of setting forward of building under section 386.

Setting forward of buildings to regular line of the street.

386. (1) If any building which abutts on a public street is in rear of the regular line of such street, the Commissioner may, whenever it is proposed—

(a) to re-build such building, or

(b) to alter or repair such building in any manner that will involve the removal or re-erection of such building, or of the portion thereof which abutts on the said street to an extent exceeding one-half of such

building or portion thereof above the ground-level, such half to be measured in cubic feet; in any order which he issues concerning the re-building, alteration or repair of such building, permit, or with the approval of the Standing Committee, require such building, to be set forward to the regular line of the street.

(2) For the purpose of this section, a wall separating any premises from a public street shall be deemed to be a building; and it shall be deemed to be a sufficient compliance with a permission or requisition to set forward a building to the regular line of a street if a wall of such materials and dimensions as are approved by the Commissioner, is erected along the said line.

Compensation to be paid and charges to be levied.

387. (1) Compensation shall be paid by the Commissioner to the owner of any building or land required for a public street under sections 382, 383, 384 or 385 for any loss which such owner may sustain in consequence of his building or land being so acquired and for any expense incurred by such owner in consequence of the order made by the Commissioner:

Provided that:—

(i) any increase or decrease in the value of the remainder of the property of which the building or land so acquired formed part likely to accure from the set-back to the regular line of the street shall be taken into consideration and allowed for in determining the amount of such compensation;

(ii) if any such increase in value exceeds the amount of loss sustained or expenses incurred by the said owner, the Commissioner may recover from such owner half the amount of such excess as a betterment charge.

(2) If, in consequence of any order to set forward, a building made by the Commissioner under section 386, the owner of such building sustains any loss or damage, compensation shall be paid to him by the Commissioner for such loss or damage after taking into account any increase in value likely to accrue from the set forward.

(3) If the additional land which will be included in the premises of any person required or permitted under section 386, to set forward a building belongs to the Corportion, the order or permission of the Commissioner to set forward the building shall be sufficient conveyance to the said owner of the said land; and the price to be paid

to the Corporation by the said owner for such additional land and the other terms and conditions of the conveyance shall be set forth in the said order or permission.

(4) If, when the Commissioner requires a building to be set forward, the owner of the building is dissatisfied with the price fixed to be paid to the Corporation or any of the other terms or conditions of the conveyance, the Commissioner shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Judge.

Provisions concerning Private Streets.

Notice to be given to Commissioner of intention to lay out lands for building and for private streets.

388. Every person who intends—

(a) to sell or let on lease any land subject to a covenant or agreement on the part of a purchaser or lessee to erect buildings thereon.

(b) to divide land (whether unbuilt or partly built) into building plots.

(c) to use any land or a portion thereof or permit the same to used for building purposes, or

(d) to make or lay out a private street whether it is intended to allow the public a right of passage or access over such street or not,

shall give written notice of his intention to the Commissioner and shall along with such notice, submit plans and sections, showing the situation and boundaries of such building, land and the site of the private street, if any, and also the situation and boundaries of all other lands of such person of which such building, land or site forms a part and the intended development, laying out and plotting of such building, land including the dimensions and area of each building plot and also the intended level, direction, width, means of drainage, paving, metalling and lighting of such private street, the provisions for planting and rearing of trees, beside such private street and the height and means of drainage and ventilation of the building or buildings proposed to be erected on the land, and if any building when erected will not abut on a street then already existing or then intended to the made as aforesaid the means of access from and to such building and the manner of the paving, metalling, draining and lighting of such means of access.

Commissioner may call for further particulars.

389. If any notice under section 388 does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case or if any such notice given for any or all of the purposes mentioned in clauses (a), (b) or (c) of the said section does not contain any proposal or intention to make or lay out a private street, he may, at any time within thirty days after receipt of the said notice, by written notice require the person who gave the said notice—

(a) to furnish the required information together with all or any of the prescribed documents, or

(b) to revise any or all of the schemes submitted under the said clause (a), (b) or (c) so as to provide for the making or laying out of a private street or private streets of such width or widths as he may specify in addition to or in substitution for any means of access proposed to be provided in such scheme or schemes and to furnish such further information and documents relating to the revised scheme or schemes as he may specify.

Commissioner may require plans to be prepared by licensed Surveyors.

390. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of section 388 or 389 which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Laying out of land dimensions and area of each plot; laying out of private streets and heights of buildings to be determined by Commissioner.

391. (1) The laying out of land for building the dimensions and area of each building plot, the level, direction, width and means of drainage of every private street, the kind and number of trees to be planted and reared beside such streets and the height and means of drainage and ventilation of and access to all buildings to be erected on such land or on either side of such street shall be fixed and determined by the Commissioner subject to such general directions as the Standing Committee may give in this behalf from time to time with the general object of securing sanitary conditions, amenity and convenience in connection with the laying out and use of the land and of any neighbouring lands and also with the object that the proposed private street may not conflict with any arrangements which have been made or which are, in the opinion of the Commissioner, likely to be made for carrying out any general scheme of new streets or of improvements of existing streets in the locality:

Provided that if, within sixty days after the receipt by the Commissioner of any notice under section 388 or of the plans, sections, descriptions, scheme or further information, if any, called for under section 389 the disapproval by the Commissioner with regard to any of the matters aforesaid specified in such notice has not been communicated to the person who gave the same proposals of the said person shall be deemed to have been approved by the Commissioner.

(2) When the Commissioner signifies in writing to the said person his approval of the said work under certain conditions or without any conditions, or when the said work is deemed to have been approved by the Commissioner as aforesaid, the said person may at any time within one year from the date of the delivery of the notice under section 388 to the Commissioner, proceed with the said work in accordance with the intention as described in the notice or in any of the documents aforesaid and in acordance with the conditions, if any, imposed by the Commissioner but not so as to contravene any of the provisions of this Act or of any bye-law made thereunder.

Land not to be appropriated for building and private street not be laid out until expiration of notice not otherwise than in accordance with Commissioners directions.

392. (1) No person shall sell, let, use or permit the use of any land whether undeveloped or partly developed for building or divide any such land into building plots, or make or layout any private street—

(a) unless such person has given previous written notice of his intention as provided in section 388 nor until the expiration of sixty days from delivery of such directions, if any, as may have been fixed and determined under sub-section (1) of section 391,

(b) after the expiry of the period of one year specified in sub-section (2) of section 391,

(c) unless such person gives written notice to the City Engineer of the date on which he proposes to proceed with any work he is entitled to carry out and commences such work within seven days of the date mentioned in the notice.

(2) If any act be done or permitted to be done in contravention of this section, the Commissioner may by written notice require any person doing or permitting the doing of such act—

(a) to show cause on or before such day as shall be specified in such notice by statement in writing

subscribed by him in that behalf and addressed to the Commissioner, why the layout, plot, street or building contravening this section should not be altered to the satisfaction of the Commisssioner, or if that be in his opinion impracticable why such street or building should not be demolished or removed or why the land should not be restored to the condition in which it was prior to the execution of the unauthorised work, or

(b) to attend personally or by an agent duly authorised by him in that behalf on such day and at such time and place as shall be specified in such notice and show cause as aforesaid.

(3) If such person shall fail to show cause to the satisfaction of the Commissioner why such street or building should not be so altered, demolished or removed or why such land should not be so restored the Commissioner may cause the work of alteration, demolition, removal or restoration to be carried out and the expenses thereof shall be paid by the said person.

Renewal of notice of intention to carry out works not executed in pursuance of approval given under section 391.

393. If a person who is entitled to proceed with any work under section 391 fails so to do within the period of one year specified therein he may at any time give fresh notice of his intention to execute such work and such notice shall be treated as a new notice under section 388.

Levelling and draining of private streets and means of access.

394. If any private street or any other means of access to a building be not levelled, metalled, flagged or paved, sewered, drained channelled, lighted or provided with trees for shade to the satisfaction of the Commissioner, he may, with the sanction of the Standing Committee, by written notice, require the owner or owners of the several premises fronting or adjoining the said street or other means of access or abutting thereon or to which access is obtained through such street or other means of access or which will benefit by works executed under this section to carry out anyone or more of the aforesaid requirements in such manner as he shall direct.

Power to declare streets when sewered, etc. as public streets.

395. When any private street has been levelled, metalled, flagged or paved, sewered, drained, channelled and made good to the satisfaction of the Commissioner, he may and, upon the request of the owners or of any of the owners of such street, shall, if lamp-posts and other appa-

ratus necessary for lighting such street have been provided to his satisfaction and if all land revenue payable to the Government in respect of the land comprised in such street has been paid, declare the same to be a public street by notice in writing put up in any part of such street, and thereupon the same shall become a public street and vest in the Corporation as such :

Provided that no such street shall become a public street if, within one month after such notice has been put up the owner of such street or the greater part thereof shall, by notice in writing to the Commissioner, object thereto.

Applicability of sections 394 and 395 when a street is in part public and in part private.

396. If a portion only of any street is a public street, the other portion of such street may be for all purposes of section 394 and 395 be deemed to be a private street.

Projections and Obstructions.

Prohibition of projection upon streets,

397. (1) Except as provided in section 399 no person shall erect, set up, add to or place against or in front of any premises any structure or fixture which will—

(a) overhang, jut or project into, or in anyway encroach upon, or obstruct in anyway the safe or convenient passage of the public along, any street, or

(b) jut or project into or encroach upon any drain or open channel in any street, so as in any way to interfere with the use of proper working of such drain or channel or to impede the inspection or cleansing thereof.

Powers to require removal of the same.

(2) The Commissioner may, by written notice, require the owner or occupier of any premises to remove or to take such other action as he may direct with any structure or fixture which has been erected, set up, added to or placed against or in front of, the said premises in contravention of this section or of any law in force in the City on the day of coming into force of this Act.

(3) If the occupier of the said premises removes or alters any structure or fixture in accordance with such notice, he shall be entitled, unless the structure or fixture was erected, setup or placed by himself, to credit in account with the owner of the premises for all reasonable expenses incurred by him in complying with the said notice.

Powers to require removal or alterations of projections, etc., made before the coming into force of this Act.

398. If any such structure or fixture as is described in sub-section (1) of 397 has been erected, setup, added to, or placed against or in front of any premises at any time before the coming into force of this Act the Commissioner may give notice as aforesaid to the owner or occupier of the said premises :

Provided that if in any such case the structure or fixture was lawfully erected, setup, added to or placed compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Projections over streets may be permitted in certain cases.

399. (1) The Commissioner may give a written permission on such terms as he shall in each case thinks fit to the owner or occupier of any building abutting on any street—

(a) to erect an arcade over such street or any portion thereof, or

(b) to put up a verandah, balcony, arch, connecting passage, sun-shade, whether-frame, canopy, awning, or other such structure or thing projecting from any storey over or across any street or portion thereof :

Provided that no permission shall be given by the Commissioner for the erection of an arcade in any public street in which the construction of arcades has not been generally sanctioned by the Corporation.

(2) The provisions of sections 397 and 398 shall not be deemed to apply to any arcade, verandah, balcony, arch, connecting passage, sun-shade, weather-frame, canopy, awning or other structure or thing erected or put up under and in accordance with the terms of a permission granted under this section.

(3) The Commissioner may at any time by written notice require the owner or occupier of any building to remove a verandah, balcony, sun-shade, weather-frame or the like put up in accordance with the provisions of sub-section (1) and such owner or occupier shall be bound to take action accordingly but shall be entitled to compensation for the loss caused to him by such removal and the cost incurred thereon.

Ground floor doors, etc., not to open outwards on street.

400. The Commissioner may at any time, by written notice, require the owner of any premises on the ground floor of which any door, gate, bar or window opens outwards upon a street, or upon any land required for the improvement of a street, in such manner as, in the opinion

of the Commissioner to obstruct the safe or convenient passage of the public along such street, to have said door, gate, bar or window altered so as not to open outwards.

Prohibition of structures or fixtures which cause obstruction in streets.

401. (1) No person shall, except with the permission of the Commissioner under section 428 or 433 erect, or set up any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture in or upon any street or upon or over any open channel, drain, well or tank in any street so as to form an obstruction to or an encroachment upon or a projection over, to occupy, any portion of such street, channel, drain, well or tank.

(2) Nothing in this section shall be deemed to apply to any erection or thing to which clause (c) of sub-section (1) of section 413 applies.

Prohibition of depositing etc., of thing in streets.

402. (1) No person shall, except with the written permission of the Commissioner—

(a) place or deposit upon any street, or upon any open channel drain or well in any street or in any public place, any stall, chair, bench, box, ladder, bale or other thing whatsoever so as to form an obstruction thereto or encroachment thereon;

(b) Project, at a height of less than twelve feet from the surface of the street, any board or chair, beyond the line of the plinth of any building over any street;

(c) attach to, or suspend from, any wall or portion of a building abutting on a street, at a lower height than aforesaid anything whatever.

(2) Nothing in clause (a) of sub-section (1) shall apply to building materials.

Licence for sale in public places.

403. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall hawk or expose for sale in any public street any article whatsoever, whether it be for human consumption or not.

Licences for use of skill in handicraft or rendering services for purposes of gain in public place or street.

404. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain, use his skill in any handicraft or in rendering services to and for the convenience of the public in public place or public street.

Commissioner may without notice, remove any thing erected, deposited or hawked or exposed for sale in contravention of Act.

405. The Commissioner may, without notice, cause to be removed—

(a) any wall, fence, rail, post, step, booth or other structure whether fixed or movable and whether of a permanent or a temporary nature, or any fixture which shall be erected or set up in or upon or over any street, any open channel, drain, well or tank contrary to the provisions of this Act;

(b) any stall, chair, bench, box, ladder, board or shelf, or any other thing whatever placed, deposited, projected, attached, or suspended, in, upon, from or to any place in contravention of this Act;

(c) any article whatsoever hawked or exposed for sale in a public place or in any public street in contravention of the provisions of this Act and any vehicle, package, box or any other thing in or on which such article is placed.

Power to require removal of a structure or fixture erected or set up.

406. The Commissioner may, by written notice, require the owner, occupier of any premises contiguous to, or in front of, or in connection with which any wall, fence, rail, post, step, booth or other structure or fixture which it would be unlawful to erect or set up under this Act has been erected or set up to remove the said wall, fence, rail, post, step, booth or other structure or thing:

Provided that, if any such case the structure or fixture shall have been lawfully erected or set up, compensation shall be paid by the Commissioner to every person who sustains loss or damage by the removal or alteration thereof.

Prohibition of tethering of animals in public street.

407. (1) No person shall tether any animal or cause or permit the same to be tethered by any member of his family or household in any public street.

(2) Any animal tethered as aforesaid may be removed by the Commissioner, or by any municipal officer or servant, and made over to a poice officer or may be removed by a police officer, who shall deal therewith as with an animal found straying.

Temporary erections on streets during Festivals.

Commissioner may permit booths, etc., to be erected on streets on festivals.

408. With the concurence of the Chief City Magistrate of Hyderabad or the District Magistrate of Secunderabad, as the case may be, the Commissioner may grant a written permission for the temporary erection of a booth and any other such structure on any street on occasions of ceremonies and festivals.

Provisions concerning execution of works in or near to streets.

Street when broken up for any municipal purposes to be restored without delay.

409. Whenever the soil or pavement of any street is opened or broken up by or under the order of the Commissioner, or of any municipal officer or servant,, for the execution of any work on behalf of the Corporation, the work on account of which the same shall have been opened or broken up shall be completed and the soil or pavement filled in reinstated and made good with all convenient speed; and on completion of the work, the surplus of earth and materials, if any excavated and all rubbish occasioned thereby shall be removed without delay.

Commissioner may close street in which work is in progress.

410. (1) The Commissioner may whilst any such work as aforesaid or any work which may lawfully be executed in any street is in progress, direct that the said street shall be wholly or partially closed for traffic or for traffic of such description as he shall think fit: and shall set up in a conspicuous position an order prohibiting traffic to the extent or of the description so directed, and fix such bars, chains or posts across or in the street as he shall think proper for preventing or restricting traffic therein.

(2) No person shall, without the permission of the Commissioner or without other lawful authority, remove any bar, chain or post so fixed or infringe any order prohibiting traffic so set up.

Commissioner to provide for traffic, etc., pending execution of Municipal work in any street.

411. Whilst the execution of any work on behalf of the Corporation is in progress in any street, the Commissioner shall, so far as may be reasonably practicable, make adequate provision for the passage or diversion of traffic, for securing access to all premises approached from such street, and for any drainage, water supply, or means of lighting which may be interrupted by reason of the execution of the said work.

Precautions to be taken for public safety where municipal works are in progress in any street.

412. (1) Whilst the execution of any work on behalf of the Corporation is in progress in any street the Commissioner shall—

(a) take proper precaution for guarding against accident by shoring up and protecting the adjoining buildings;

(b) have any place where the soil or pavement has been opened or broken up fenced and guarded;

(c) have a light sufficient for the warning of passengers set up and kept every night against any such place and against any bars, chains or posts set up under section 410 for so long as such place shall be continued open or broken up, or such bars, chains or posts shall remain so set up.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, remove any shoring timber or fence, or remove or extinguish any light employed or set up for any of the purposes of this section.

Streets not to be opened or broken up and building materials not be deposited thereon without permission.

413. (1) No person other than the Commissioner or a municipal officer or servant shall, without the written permission of the Commissioner or without other lawful authority,—

(a) open, break up, displace, take up or make any alteration in, or cause any injury to the soil or pavment or any wall, fence, posts, chain or other material or thing forming part of any street;

(b) deposit any building materials in any street; or

(c) set up in any street any scaffold or any temporary erection for the purpose of any work whatever, or any posts, bars, rails, boards or other things by way of enclosure, for the purpose of making mortar or depositing bricks, lime, rubbish or other materials.

(2) Any permission granted under clause (b) or (c) of sub-section (1) shall be terminable at the discretion of the Commissioner, on his giving not less than twenty-four hours written notice of the termination thereof to the person to whom such permission was granted.

(3) Except in cases in which permission has been applied for under clause (b) of sub-section (1) for the deposit of building materials in any street and no reply has been sent to the applicant within seven days from the date of the application, the Commissioner may, without notice, cause to be removed any building materials, or any scaffold, or any temporary erection, or any posts, bars, rails, boards or other things by way of enclosure, which have been deposited or set up in any street without the permission or authority specified in sub-section (1), or which, having been deposited or set up without such permission or authority, have not been removed within the period specified in the notice issued under sub-section (2).

Precaution for public safety to be taken by persons to whom permission is granted under section 413.

414. Every person to whom permission is granted under section 413 shall at his own expense cause the place where the soil or pavement has been opened or broken up or where he has deposited building materials, or set up any scaffold, erection or other things, to be properly fenced and guarded, and, in all cases in which the same is necessary to prevent accidents, shall cause such places to be well lighted during the night.

Persons to whom permission is granted under section 413 must reinstate streets, etc.

415. (1) Every person to whom permission is granted under section 413 to open or break up the soil or pavement of any street, or who under other lawful authority opens or breaks up the soil or pavement of any street, shall with all convenient spend complete the work for which the same shall be opened or broken up, and fill in the ground and reinstate and make good the street or pavement so opened or broken up without delay, to the satisfaction of the Commissioner.

(2) If the said person shall fail to reinstate and make good the street or pavement as aforesaid, the Commissioner may restore such street or pavement, and the expenses incurred by the Commissioner in so doing shall be paid by the said person.

Provisions to be made by persons to whom permission is given under section 413 for traffic, etc.

416. The Commissioner may by written notice, require any person to whom permission is granted under section 413 to open or break up the soil or pavement of any street or who, under any other lawful authority, opens or breaks up the soil or pavement of any street for the purpose of executing any work, to make provision to his satisfaction for the passage or diversion of traffic for securing access to any premises which may be approached from such street and for any drainage, water supply or means of lighting which may be interrupted by reason of the execution of the said work.

Hoards to be set up during work on any building adjacent to a street.

417. (1) No person who proposes to build, take down or rebuild any building or wall, or to alter or repair any part of any building or wall, shall, in any case in which the footway in any adjacent street will be thereby obstructed or rendered convenient, commence doing so, without first having caused to be put up a proper and sufficient hoard or fence, with a convenient platform and hand-rail, if there be room enough for the same and the Commissioner shall think the same desirable, to serve as a footway for the use of persons outside of such hoard or fence.

(2) No hoard or fence shall be so put up without the previous written permission of the Commissioner, and every such hoard or fence put up with such permission, with such platform and hand-rail as aforesaid, shall be continued standing and maintained in good condition to the satisfaction of the Commissioner, by the person who carries on the work, during such time as may be necessary for the public safety and convenience and, in all cases in which the same is necessary to prevent accidents, the said person shall also cause such hoard or fence to be well lighted during the night.

(3) The Commissioner may, by written notice, require the person aforesaid to remove any hoard or fence so put up.

Naming of Sheets, etc.

Naming of streets, and numbering of houses.

418. (1) The Commissioner may, from time to time—

(a) with the sanction of the Corporation, determine the name by which any street shall be known;

(b) cause to be put up or painted on a conspicuous part of any house at or near each end, corner or entrance to every street, the name so determined;

(c) with the sanction of the Corporation determine the number by which any premises shall be known;

(d) by written notice require the owner of any premises either to put or paint a number on such premises in such position and manner as may be specified in such notice, or to signify in writing his desire that the work shall be executed under the orders of the Commissioner.

(2) No person shall, without the written permission of the Commissioner or without other lawful authority, destroy, remove, deface or in any way injure any such name or number, or put up or paint any name or number different from that put up or painted by order of the Commissioner.

(3) Where a number is put up or painted on any premises under the orders of the Commissioner in accordance with clause (d) of sub-section (1), the expenses of such work shall be payable by the owner of the premises:

Provided that the maximum rate of charge for such work shall be fixed by the Commissioner with the previous sanction of the Corporation.

Buildings at corners of streets.

419. (1) The Commissioner may with the approval of the Standing Committee, require by written order the corner of any building which has already been erected or which is to be newly erected or which is to be re-erected or repaired and which is situated at the junction of two or more streets to be rounded or splayed off to such height and in such manner as he may determine and may also in such order impose such conditions as he deems necessary as to the construction of a compound wall or fence or hedge or any other structure whatsoever or the planting or retention of any tree on the premises appurtenant to such building.

(2) Compensation shall be paid by the Commissioner for any loss or damage caused by the issue of an order under sub-section (1).

Sky-signs and Advertisements.

Regulations as to sky-signs.

420. (1) No person shall, without the written permission of the Commissioner, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted, or renewed, for any period exceeding two years from the date of each such permission or renewal :

Provided that in any of the following cases a written permission or renewal by the Commissioner under this section shall become void, namely :—

(a) if any addition to the sky-sign be made except for the purpose of making it secure under the direction of the municipal city engineer ;

(b) if any change be made in the sky-sign, or any-part thereof ;

(c) if the sky-sign or any part thereof fall either through accident, decay or any other cause ;

(d) if any addition or alteration be made to, or in the building or structure upon or over which the sky-sign erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof;

(e) if the building or structure upon or over which the sky-sign erected, fixed or retained become unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained upon or over any land, building, or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, building or structure shall be deemed to be the person who has

erected, fixed or retained such sky-sign in contravention of the provision of this section unless he proves that such contravention was committed by a person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by written notice require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected, fixed or retained, to take down and remove such sky-sign.

The expression "sky-sign" shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction, supported on or attached to any post, pole, standard frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes all and every part of any such post, pole, standard frame-work or other support. The expression "sky-sign" shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement announcement or direction upon over any land, building or structure or upon or over any street, but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adopted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(b) any sign, or any board, frame or other contrivance securely fixed to or on the top of the wall or parapet of any building, or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such board, frame or other contrivance be of one continuous face and not open work and do not extend, in height more than three feet above any part of the wall, or parapet or ridge to, against, or on which it is fixed or suported;

(c) any word, letter, model, sign, device or represensation as aforesaid, relating exclusively to the railway administration and place wholly upon or over any railway, railway station, yard, platform or station approach belonging thereto, and so placed that it can not fall into any street or public place;

(d) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Regulation and control of advertisements.

421. (1) No person shall, without the written permission of the Commissioner, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure :

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(a) is exhibited within the window of any building ;

(b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same; or to the trade or business carried on by the owner of any vehicle upon which such advertisement is exhibited ;

(c) relates to the business of any railway administration ;

(d) is exhibited within any railway station or upon any wall or other property of a railway administration except any portion of the surface of such wall or property fronting any street.

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the enactment of this section upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(3) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition, fixing or retention thereof for any period shall have expired or become void, the Commissioner may, by notice in writing, require the owner or occupier of the land, building, wall, hoarding or structure upon which the same is erected,

exhibited, fixed or retained, to take down or remove such advertisement.

(4) (a) The word "structure" in this section shall include a tramcar, omnibus and any other vehicle and any movable board used primarily as an advertisement or an advertising medium; and

(b) the expression "illuminated advertisement" in this section shall not include an illuminated display of goods, if such display.—

(i) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(ii) is made by lighting which is not, in the opinion of the Commissioner, more than is necessary to make the goods and labels visible at night.

Dangerous places.

Commissioner to take proceedings for repairing or enclosing dangerous places.

422. (1) If any place is, in the opinion of the Commissioner for want of sufficient repair, protection or enclosure or owing to some work being carried on thereupon, dangerous to passengers along a street, or to persons who have lawful acess thereto or to the neighbourhood thereof if any such work, in the opinion of the Commissioner, affects the safety or convenience of such persons, he may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the said place or take such other step as shall appear to the Commissioner necessary, in order to prevent danger therefrom or to ensure the safety or convenience of such persons.

(2) The Commissioner may, before giving any such notice or before period of any such notice has expired, take such temporary measures as he thinks fit to prevent danger from the said place or to ensure public safety or convenience at such work, and any expense incurred by the Commissioner in taking such temporary measures shall be paid by the owner or occupier of the place to which the said notice refers,

Protective measures during demolition work.

423. (1) No person who proposes to take down a building or a part thereof, shall commence doing so without providing, in addition to such hoard or fence which he may be required to provide under section 417 screens extending to the full height of such building on all sides thereof so as to prevent pollution of the surrounding air

with dust or injury or damage caused by the falling of any debris, bricks, wood or other material.

(2) If any such work is commenced in contravention of sub-section (1) the Commissioner may cause it to be stopped forthwith and any person carrying it out to be removed from the premises by a police officer.

Lighting of Street.

Public streets to be lighted.

424. (1) The Commissioner shall—

(a) take measures for lighting in a suitable manner the public streets, municipal gardens and open spaces and municipal markets and all buildings vesting in the Corporation ;

(b) procure, erect and maintain such number of lamps, lamp-posts and other appurtenances as may be necessary for the said purpose; and

(c) cause such lamps to be lighted by means of oil, gas, electricity or such other light as the Corporation shall from time to time determine.

(2) The Commissioner may place and maintain electric wires for the purpose of lighting such lamps, under, over, along or across, and posts, poles, standards, staves, struts, brackets, and other contrivances for carrying, suspending or supporting lamps or electric wires in or upon, any immovable property without being liable to any claim for compensation thereanent :

Provided that such wires, posts, poles, standards, staves, struts, brackets and other contrivances shall be so placed as to occasion the least practicable inconvenience or nuisance to any person.

Prohibition of removal, etc., of lamps.

425. No person shall, without lawful authority, take away or wilfully break, throw down or damage—

(a) any lamp, lamp-post or lamps-iron set up in any public street or municipal garden, or in any open space, markets or building vesting in the Corporation;

(b) any electric wire for lighting any such lamp ;

(c) any post, pole, standard, stay, strut, bracket or other contrivance for carrying, suspending or supporting any such electric wire or lamp ;

(d) any property of the Corporation in any street ; and no person shall wilfully extinguish the light or damage the appurtenance of any such lamp.

Persons accidently breaking lamp to repair the damage.

426. If any person shall through negligence or accident, break any lamp set up in any public street or municipal market, garden or public place or building vesting in the Corporation, or shall break or damage any property of the Corporation on any street, he shall pay the expenses of repairing the damage so done by him.

Measures for watering streets.

427. The Commissioner may—

(a) take measures for having the public streets watered at such time and seasons and in such manner as he shall think fit;

(b) procure and maintain such vehicles, animals apparatus as he shall think fit for the said purpose.

CHAPTER XII.

BUILDING REGULATIONS.

Notices regarding erection of building.

Notice to be given to Commissioner of intention to erect a building.

428. (1) Every person who intends to erect a building shall give to the Commissioner notice of his said intention in a form, obtained for this purpose under section 435, specifying the position of the building intended to be erected, the description of building, the purpose for which it is intended, its dimensions and the name of the person whom he intends to employ to supervise its erection.

(2) In this Chapter and wherever occurring in this Act 'to erect or re-erect a building' means—

(i) any material alteration or enlargement of any building;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation;

(iii) the conversion of one or more places of human habitation into a greater number of such places;

(iv) the conversion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in its drainage or sanitary arrangements or materially effect its security;

(vi) the addition of any rooms, buildings, out houses or other structures to any building;

(vii) conversion by any structural alteration into a place of religious worship or into a sacred building, any place or building not originally meant or constructed for such purpose;

(viii) to roof or cover an open space between walls or buildings as regards the structure which is formed by roofing or covering such space ;

(ix) to convert into a stall, shop, ware house or godown any building not originally constructed for use as such or **vice versa ;**

(x) to construct on a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land.

Commissioner may require plans and other documents to be furnished.

429. (1) At any time within thirty days after receipt of any notice under section 428, the Commissioner may, by written notice, require the person who has given the notice first herein before in this section mentioned, to furnish to the Commissioner all or any of the following documents, namely :—

(a) correct plans and sections of every floor of the building intended to be erected or re-erected which shall be drawn to a scale of not less than one inch to every eight feet and shall show the position, form, dimensions and means of ventilation and of access to the several parts of such building and its appurtenances and the particular part or parts thereof which are, and those which are not, intended to be used for human habitation and in the case of a building intended to be used as a dwelling house for two or more families or for carrying on any trade or business in which number of people exceeding twenty may be employed or as a place of public resort, the means of ingress and egress. Such plans and sections shall also show the depth and nature of the foundation and the proposed dimensions of all the walls, posts, columns, beams, joints and all girders and scantlings to be used in the walls, stair cases, floors and roofs of such building ;

(b) a specification of each description of work proposed to be executed and of the materials to be employed. Such specification shall include a description of the proposed method of drainage of the buildings intended to be erected or re-erected and of the sanitary fittings to be used and also of the means of water supply and shall if required by the Commissioner be supplemented by detailed calculations showing the sufficiency of the strength of any part of such building;

(c) a block plan of such building which shall be drawn to the scale of the largest revenue survey map at the time being in existence for the locality in which

the building is, or is to be situated and shall show the position and appurtenances of the properties, if any, immediately adjoining, the width and level of the street, if any, in front and of the street, if any, at the rear of such building, the levels of the foundations and of the lowest floor of such building and of any yard or ground belonging thereto and the means of access to such building;

(d) a plan showing the intended line of drainage of such building, and the intended size, depth and inclination of each drain, and the details of the arrangement proposed for the ventilation of the drains.

(2) At any time within the said period the Commissioner may also by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.

Commissioner may require plan, etc., submitted under last preceding section to be prepared by a licensed surveyor.

430. The Commissioner may decline to accept any plan, section or description as sufficient for the purposes of the last preceding section, which does not bear the signature of a licensed surveyor in token of its having been prepared by such surveyor or under his supervision.

Additional information and the attendance of the person who gave the notice may be required.

431. If the notice given under section 428 and the documents, if any, furnished under section 429 do not supply all the information which the Commissioner deems necessary to enable him to deal satisfactory with the case, the Commissioner may, at any time within thirty days after receipt of the said documents, by written notice, require the production of such further particulars and details as he deems necessary.

Effect of non-compliance with requisition made under section 429 or section 431.

432. If any requisition made under section 429 or 431 is not complied with, the notice given under section 428 shall be deemed not to have been given.

Notices regarding Execution of Works not amounting to the Erection of a building.

Notice to be given to the Commissioner of intention to make additions, etc.,

433. Every person who shall intend—

(a) to make any addition to a building; or

(b) to make any alteration or repairs to a building; not being a frame-building, involving the removal or re-erection of any external or party-wall thereof or of any wall which supports the roof thereof, to an ex-

tent exceeding one-half of such wall above the plinth level, such half to be measured in superficial feet; or

(c) to make any alteration or repairs to a frame-building, involving the removal or re-erection of more than one-half of the posts in any such wall thereof as aforesaid or involving the removal or re-erection of any such wall thereof as aforesaid to an extent exceeding one-half of such wall above plinth level, such half to be measured in superficial feet; or

(d) to make any alteration in a building involving:—

(i) the sub-division of any room in such building so as to convert the same into two or more separate rooms,

(ii) the conversion of any passage or space in such building into a room or rooms; or

(e) to remove or reconstruct any portion of a building abutting on a street which stands within the regular line of such street;

Shall give to the Commissioner, in a form obtained for the purpose under section 435 notice of his intention, specifying the portion of the building in which such work is to be executed, the nature and extent of the intended work, the particular part or parts, if any, of such work which is or are intended to be used for human habitation and the name of the person whom he intends to employ to supervise its execution.

Plans and additional information may be called for.

434. (1) If any notice given under the last preceding section does not supply all the information which the Commissioner deems necessary to enable him to deal satisfactorily with the case, he may at any time within thirty days after receipt of the said notice, by written notice, require the person who gave the notice first hereinbefore in this section mentioned to furnish plans and sections of the building and of the intended new work or of any specified portion thereof and the provisions of sections 429, 430, 431 and 432 shall apply to the intended new work so far as the Commissioner may consider them to be applicable.

(2) The Commissioner may also, at any time within the said period by written notice require the said person to open for inspection any portion or portions of the foundations or walls of the existing building.

Forms of notices.

Printed forms of notices to be supplied to the public.

435. (1) The Commissioner shall cause printed forms of notices for the purposes of section 428 or 433 to be delivered to any person requiring the same, on payment of such fee not exceeding eight annas for each form as shall from time to time be determined in this behalf by the Commissioner, with the approval of the Standing Committee.

(2) There shall be printed on the reverse of every such form of notice, or on a separate paper supplied without extra charge therewith, a copy of sections 428, 429, 430, 431, 432, 433, 434, 436, 437, 438, 440, 444, 445, 446, 447, 448 and 449 and of all bye-laws made under subsections (9), (12) and (13) of section 586 at the time in force.

Commencement of work.

Supervision of buildings and works.

436. Every person who intends to newly erect a building or execute any such work as is described in section 433, shall erect the building or execute the work in such manner, under such supervision, through such qualified agency, and subject to such conditions and restrictions as may be regulated by the bye-laws.

When building or work may be proceeded with.

437. If within thirty days after receipt of any notice under section 428 or 433, or of the plan, section, description or further information, if any, called for under sections 429, 431 or 434 as the case may be, the Commissioner fails to intimate in writing, to the person who has given the said notice, his disapproval of the building which the said person proposes to erect or of the work which he proposes to execute, or, if, within the said period the Commissioner signifies in writing to the said person his approval of the said building or work, the said person may, at any time within one year from the date of the delivery of the notice to the Commissioner, proceed with the said building or work in accordance with his intention as described in the notice or in any of the documents aforesaid, but not so as to contravene any of the provisions of this Act or any bye-law made thereunder.

Building or work which is disapproved by the Commissioner may be proceeded with, subject to terms.

438. (1) If the Commissioner disapproves of any building or work of which notice has been given as aforesaid or of any portion or detail thereof, by reason that the same will contravene some provision of this Act or some bye-law made thereunder or will be unsafe, he may, at any time within thirty days of the receipt of the notice

or of the plan, section, description or further information if any, called for under section 429, 431 or 434 as the case may be, by a written notice intimate to the person who gave the notice first hereinbefore in this section mentioned his said disapproval and the reason for the same, and specified terms subject to which the building or work may be deemed to be approved by him.

(2) The person who gave the notice concerning any such building or work may proceed with the same, subject to the terms specified as aforesaid but not otherwise, at any time within one year from the date of receipt by him under sub-section (1) of the written notice in this behalf, but not so as to contravene any of the provisions of this Act or any bye-law made thereunder.

Power to the Commissioner to with hold disposal of plans in certain circumstances.

439. (1) Notwithstanding anything contained in section 437 and 438, if in any case it appears to the Commissioner that public improvements, which may render necessary the acquisition of the site of any building or work or any part of such site, are desirable and expedient, he may by order in writing direct that no further action shall be taken in pursuance of a notice given under section 428 or section 433 for a period not exceeding three months from the date of such notice.

(2) The Commissioner may issue a like order if in any case it appears to him that any site as aforesaid is likely to be affected by any one of the following, namely:—

(a) determining a regular line of a public street;

(b) determining a fresh line in substitution or the existing regular line of a public street;

(c) extending or altering a public street;

(d) any scheme for widening or modifying a private street.

(3) If within the said period of three months the public improvements referred to in sub-section (1) or any of the matters referred to in sub-section (2) have been given final effect so as to have the result referred to in sub-section (1) or sub-section (2), the notice given under section 428 or section 433 shall be deemed to have lapsed.

(4) If any case is not covered by sub-section (3) the notice given under section 428 or section 433 shall be deemed to have been renewed as on the date on which the period of three months mentiond in sub-sction (1) expired.

When work may be commenced

440. (1) No person shall commence to erect or re- any building or to execute any such work as is described in section 428—

(a) until he has given notice of his intention as hereinbefore required to erect or re-erect such building or execute such work and the Commissioner has either intimated his approval of such building or work or failed to intimate his disapproval thereof within the period specified in this behalf in section 437 or 438;

(b) until he has given notice to the City Engineer of the proposed date of commencement. Where the commencement does not take place within seven clear days of the date so notified, the notice shall be deemed not to have been given;

(c) after the expiry of the period of one year specified in sections 437 and 438 respectively, for proceeding with the same.

(2) If a person, who is entitled under sections 437 and 438 to proceed with any building or work, fails so to do within the period of one year specified in the said sections, respectively for proceeding with the same he may at any subsequent time give a fresh notice of his intention to erect or re-erect such building or execute such work, and thereupon the provisions hereinbefore contained shall apply as if such fresh notice were a first notice of such person's intention.

Building not to be converted to other purposes without the permission of the Commissioner.

441. No person shall, without the written permission of the Commissioner,—

(a) use or permit to be used for human habitation any part of a building not originally constructed or authorised to be used for that purpose, or

(b) convert into, or use, or permit to be used, as a chawl or building intended to form a range or separate rooms for lodgers, a building not originally designed or authorised to be so used.

Building for human habitation not to be used as godown, etc.

442. No person shall without written permission of the Commissioner or otherwise than in conformity with the terms of such permission use or permit to be used any building or any part of a building originally constructed, or authorised to be used for human habitation as a godown, warehouse, workshop, workplace, factory, stable or a motor garage.

No alterations to be made in buildings for human habitation without written permission of Commissioner.

443. No person shall without the written permission of the Commissioner or otherwise than in conformity with the terms of such permission make any alteration or cause any alteration to be made in an existing building originally constructed or authorised to be used for human habitation for the purpose of using it or causing it to be used as a godown, warehouse, workshop, workplace, factory stable or motor garage.

Provisions as to structure, material, etc.

Provisions as to buildings which are to be newly erected.

444. With respect to buildings which are to be newly erected the following provisions shall have effect, namely :—

(a) The erection of any such building on either side of a new street may be disapproved by the Commissioner, unless and until such new street has been levelled, metalled or paved, sewered and drained to the satisfaction of the Commissioner.

(b) The erection of any such building in any part of the City in which the position and direction of the streets likely to be required in the future, have not yet been laid down or determined shall, with the assent of the Standing Committee, be disapproved by the Commissioner, unless the site proposed for such building is in the opinion of the Commissioner, such as, with reference to the positions occupied by the buildings, if any, already existing in the neighbourhood, will admit of the construction in the future of one or more new streets convenient for the occupiers of all the buildings in the neighbourhood and for the purposes of drainage, water supply and ventilation :

Provided that any person whose building is so disapproved may, by written notice to the Commissioner, require that the position and direction of the future streets in the vicinity of his intended building be forthwith laid down and determined, and if such requisition be not complied with within six months from the date thereof, may, subject to all other provisions of this Act applicable thereto, proceed with the the erection of his building.

(c) The fundation of any such building shall not be constructed on any site which has been filled up with, or has been used as a place for depositing, excrementitious matter or the carcases of dead animals or other filthy or offensive matter, until such matter shall have been properly removed to the satisfaction of the Commissioner.

(d) Every such ~~building~~ intended to be used as dwelling shall be built with a plinth at least two feet above the centre of the nearest street and not below such standard level as may be fixed by the Commissioner in this behalf.

(e) In addition to any means of ventilation required by any bye-law made under this Act every such building intended to be used as a dweling shall be so constructed that the whole of at least one side of every room thereof shall either be an external wall or abut on an interior open space. Such external wall, except where it faces a street of not less than fifteen feet in width, shall have between it and the boundary line of the owner's premises an open space, extending throughout the entire length of such wall, at least two feet wide or, in the case of a chawl or building intended to form a range of separate rooms for lodgers at least five feet wide. Such interior open space shall have an area equal to not less than one tenth of the aggregate floor-area of all the rooms abutting thereon and shall not be in any direction less than six feet across. And every open space, whether exterior or interior required by this clause, shall be and be kept free from any structure thereon and open to the sky, and shall be and kept open to access from each end thereof.

(f) Every room intended to be inhabited in any such building, except a room in the roof thereof, shall be in every part at least ten feet in height from the floor to the ceiling.

(g) Every such room in the roof of any such building shall have an average height of a least eight feet from the floor to the ceiling and a minimum height of not less than four feet.

(h) Every such room shall have a clear superficial area of not less than one hundred square feet.

(i) In addition to any means of ventilation required by any bye-law made under this Act every such room shall be ventilated by means of doors or windows which open directly into the external air and have an aggregate opening equal to not less than one-fourth of the superificial area of the side of the room which faces an open space.

(j) Huts or sheds or ranges or blocks of huts or sheds, whether the same are to be used as dwellings or stables or for any other purpose, shall be built, if the Commissioner thinks fit so to require —

(i) so that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Commissioner thinks proper for ventilation and for facilitating, scavenging ; and

(ii) with such and so many privies, latrines or urinals and such means of drainage as the Commissioner deems necessary ; and

(iii) at such a level as will suffice for the means of drainage required by the Commissioner.

Roofs and external walls of buildings not to be of inflammable materials.

445. (1) No external wall and no covering of a roof built or renewed since the coming into force of this Act shall, except with the written permission of the Commissioner, consist of wood, cloth, canvas, grass, leaves, mats or any other inflammable material.

(2) If any external wall or covering of a roof is or has been since the coming into force of this Act, constructed of any such material, the Commissioner may, by written notice, require the owner or occupier of the building to which such wall or roof appertains to remove such wall or covering.

Maximum height of buildings.

446. (1) Except with the written permission of the Commissioner, no building shall be erected or raised to a greater height than seventy feet as measured from the level of the centre of the street in front—

(a) in the case of a pitched roof, up to the tie-beam of the roof, and

(b) in the case of a flat roof up to the surface of the roof.

(2) In the case of a pitched roof, the roof above that height shall rise at an angle of not more than forty-five degrees.

(3) In the case of a flat roof, a parapet of not more than three feet in height may be constructed above the maximum height specified in sub-section (1).

Height of buildings with reference to width of streets.

447. Subject to the maximum fixed by section 446, the height to which a buiding may be erected or raised shall be regulated by the width of the street on which it abuts, in accordance with the following provisions, namely :—

(1) if the width of the street does not exceed twenty-six feet, the building shall not be erected or raised to a

height greater than one and one-half times the width of the street;

(2) if the width of the street exceeds twenty-six feet but does not exceed forty feet, the building shall not be erected or raised to a height greater than forty feet; and

(3) if the width of the street exceeds forty feet, the building shall not be erected or raised to a height greater than the width of such street;

(4) where the building abuts upon more than one street its height shall be regulated by the wider of such streets so far as it abuts upon such wider street and also, to a distance of eighty feet from such wider street, so far as it abuts upon the narrower of such streets:

Provided that, if the face of the building is set-back from the street at any height not exceeding the height specified in sub-section (1), sub-section (2), or sub-section (3), as the case may be, such building may be erected or raised to a height greater than that so specified but not so that any portion of the building shall intersect any of the series of imaginary straight lines drawn from the line of set-back, in the direction of the portion set-back, at an angle of forty-five degrees with the horizontal.

Frame buildings.

448. After the commencement of this Act no building, the external walls of which are of timber-framed construction, shall be erected or re-erected so as to consist of more than one ground floor and one upper storey:

Provided that the Commissioner may by special order grant permission for the erection or re-erection of such a building of more than two storeys or for the construction of one or more additional storeys if satisfied that such building will be or is thoroughly sound material and construction and can safely support the same.

Provision of sufficient means of egress.

449. Where the Commissioner is of opinion that the means of egress from any building are insufficient to allow of a safe exit in the event of fire, he may, with the approval of the Standing Committee, by written notice require the owner or occupier of the building to alter or reconstruct any existing staircase in such manner or to provide such additional or emergency staircases, as he may determine.

Power of Commissioner to cancel permission on the ground of material misrepresentation by applicant.

450. If at any time after permission to proceed with any building or work has been given, the Commissioner is satisfied that such permission was granted in consequence of any material misrepresentation or fraudulent statement contained in the notice given or information furnished under section 428 or 433 or in the further information if any, furnished, he may cancel such permission and any work done thereunder shall be deemed to have been done without his permission.

Inspection.

Inspection of buildings in course of erection, alteration, etc.

451. The Commissioner may at any time during the erection or re-erection of a building or the execution of any such work as is described in section 433 make an inspection thereof without giving previous notice of his intention so to do.

Proceedings to be taken in respect of building or work commenced contrary to Act or bye-laws.

452. (1) If the erection of any building or the execution of any such work as is described in section 433 is commenced or carried out contrary to the provisions of this Act or bye-laws made thereunder, the Commissioner, unless he deems it necessary to take proceedings in respect of such building or work under section 456 shall—

(a) by written notice, require the person who is erecting or re-erecting such building or executing such work or has erected or re-erected such building or executed such work, on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorised by him in that behalf and addressed to the Commissioner, to show sufficient cause why such building or work shall not be removed, altered or pulled down, or

(b) shall require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by an agent duly authorised by him in that behalf, to show sufficient cause why such building or work shall not be removed, altered or pulled down.

(2) If such person shall fail to show sufficient cause as required under clause (a) or (b) of sub-section (1), to the satisfaction of the Commissioner, why such building or work shall not be removed, altered or pulled down, the Commissioner may remove, alter or pull down the building or work and the expenses thereof shall be paid by the said person.

Buildings or works commenced contrary to Act may be cut into and laid open for purpose of inspection.

453. (1) If there shall be reasonable ground for suspecting that in the erection of any such building or in the execution of any such work as is referred to in section 452 anything has been done contrary to any provision of this Act or of any rule or bye-law made thereunder or that anything required by any such provision, rule, bye-law to be done has been omitted to be done;

and if, on inspecting such building or work, it is found that the same has been completed or is too far advanced to permit of any such fact being ascertained;

The Commissioner may, with the approval of the Standing Committee, by a written notice, require the person who has erected or re-erected such building or executed such work to cause so much of the building as prevents any such fact being ascertained to be cut into, laid open or pulled down to a sufficient extent to permit of the same being ascertained.

(2) If it shall thereupon be found that in the erection or re-erection of such building or the execution of such work nothing has been done contrary to any provision of this Act or of any rule or bye-law made thereunder, and that nothing required by any such provision, rule or bye-law to be done has been omitted to be done compensation shall be paid by the Commissioner to the person aforesaid for the damage and loss incurred by cutting into, laying open or pulling down the building or work.

Enforcement of provisions concerning buildings and works.

454. The Commissioner may, at any time, during the erection of a building or the execution of any such work as aforesaid, or at any time within three months after the completion thereof, by written notice specify any matter in respect of which the erection or re-erection of such building or the execution of such work may be in contravention of any provision of this Act or of any rule, or bye-law made thereunder, and require the person erecting or re-erecting or executing or who has erected or re-erected or executed such building or work is not at the time of the notice the owner thereof, the owner of such building or work to cause any thing done contrary to any such provision, rule or bye-law to be amend or to do any thing which by any such provision, rule, or bye-law may be required to be done but which has been omitted to be done.

Completion of certificates, permission to occupy or use.

455. (1) Every person shall, within one month after the completion of the erection or re-erection of a building or the execution of any such work as is described in section 343 deliver or send or cause to be delivered or sent to the Commissioner at his office, a notice in writing of such completion accompanied by a certificate in the form specified in the bye-laws signed and subscribed in the manner so specified, and shall give to the Commissioner all necessary facilities for the inspection of such building or of such work and shall apply for permission to occupy the building.

(2) No person shall occupy or permit to be occupied any such building, or use or permit to be used the building or part thereof affected by any work, until :—

(a) permission has been received from the Commissioner in this behalf, or

(b) the Commissioner has failed for twenty-one days after receipt of the notice of completion to intimate his refusal of the said permission.

Dangerous Structures.

Removal of structures, trees, etc., which are in ruins or likely to fall.

456. (1) If it shall at any time appear to the Commissioner that any structure (including under this expression any building, wall, parapet, pavement, floor, steps, railings, door or window frames or shutters or roof, or other structure and any thing affixed to or projecting from or resting on, any building, wall, parapet or other in any way dangerous to any person occupying, resorting structure is in ruinous condition or likely to fall, or is to or passing by, such structure or any other structure or place in the neighbourhood thereof, the Commissioner may, by written notice, require the owner or occupier of such structure to do one or more of the following things, namely :—

(i) to pull down,

(ii) to secure,

(iii) to remove, or

(iv) to repair such structure or thing, and to prevent all cause of danger therefrom.

(2) The Commissioner may also, if he thinks fit, require the said owner or occupier by the said notice, either forthwith or before proceeding to pull down, secure, remove or repair the said structure or things, to set up a proper and sufficient hoard or fence for th protection

of passers-by and other persons, with a convenient platform and hand-rail, if there be room enough for the same the Commissioner shall think the same desirable, to serve as footway for passengers outside of such hoard or fence.

(3) If it appears to the Commissioner that the danger from a structure which is ruinous or about to fall is imminent, he may, before giving notice as aforesaid or before the period of notice expires, fence off, take down, secure or repair the said structure or take such steps or cause such work to be executed as may be required to arrest the danger.

(4) Any expenses incurred by the Commissioner under sub-section (3) shall be paid by the owner or occupier of the structure.

(5) (a) Where the Commissioner is of opinion whether on receipt of an application or otherwise that the only or the most convenient means by which the owner or occupier of structure such as is referred to in sub-section (1) can pull down, secure, remove or repair such structure, is by entering any of the adjoining premises belonging to some other person the Commissioner after giving such person a reasonable opportunity of stating any objection may, if no such objection is raised or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorise the said owner or occupier to enter such adjoining premises.

(b) Every such order bearing the signature of the Commissioner shall be a sufficient authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after giving to the owner of the premises reasonable written notice of his intention so to do, to enter upon the said premises with assistants and workmen, at any time between sunrise and sunset, and to execute the necessary work.

(c) In executing any work under this section as little damage as possible shall be done to the adjoining owner's property, and the owner or occupier of premises for the benefit of which the work is done, shall—

(i) cause the work to be executed with the least practicable delay;

(ii) pay compensation to any person who sustains damage by the execution of the said work.

Precautions in case of dangerous trees.

457. (1) If any tree or any branch of a tree or the fruit of any tree be deemed by the Commissioner to be likely to fall and thereby to endanger any person or any structure the Commissioner may by notice require the owner of the said tree to secure, lop or cut down, the said tree so as to prevent any danger therefrom.

(2) If immediate action is necessary the Commissioner may himself before giving such notice or before the period of notice expires secure, lop or cut down the said tree or remove the fruit thereof or fence of a part of any street or take such temporary measures, as he thinks fit, to prevent danger, and the cost of so doing shall be recoverable from the owner of the tree in the manner provided in section 641.

Precautions in case of dangerous tanks, wells, holes, etc.

458. (1) If any tank, pond, well, hole-stream, dam, bank or other place be deemed by the Commissioner to be for want of sufficient repair, protection or enclosure, dangerous to the passers-by or to persons living in the neighbourhood, the Commissioner may by notice require the owner to fill in, remove, repair, protect or enclose the same so as to prevent any danger therefrom.

(2) If imediate action is necessary the Commissioner may himself before giving such notice or before the period of notice expires take such temporary measures as he thinks fit to prevent danger and the cost of doing so shall be recoverable from the owner in the manner provided in section 641.

Opportunity for stating objections.

459. The Commissioner shall issue a notice under sub-sections (1) and (2) of Section 456, sub-section (1) of 457 or sub-section (1) Section 458, after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection and adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

Periodic inspection of buildings.

460. (1) It shall be incumbent on the owner of every building to maintain every part thereof and everything appurtenant thereto in such repair as to prevent its becoming dangerous.

(2) The Commissioner may by written notice require the owner of any building to get the building inspected at such intervals and in such manner as may be specified in the bye-laws.

(3) The owner shall within two months of an inspection under sub-section (2) undertake such repairs as

the inspection shall show to be necessary for the purpose of securing the stability of the structure within the meaning of section 456 after complying with all the provisions of this Act and the rules and bye-laws in regard to such repairs and shall, on completion of such repairs, submit to the Commissioner a certificate signed by the person who made the inspection, of his having carried out the repairs satisfactorily.

(4) A report of every inspection made, under sub-section (2) shall forthwith be submitted to the Commissioner by the person who carried it out and the Commissioner may take such action in respect of such building as he deems fit under this section or under any other provision of this Act if the owner fails to comply with the requirements of sub-section (3).

(5) The expenses incurred by the Commissioner under sub-section (4) shall be paid by the owner.

Works unlawfully carried on.

Powers of Commissioner to direct removal of person directing unlawful work.

461. (1) If the Commissioner is satisfied that the erection or re-erection of any building or the execution of any such work as is described in section 433 has been unlawfully commmenced or is being unlawfully carried on upon any premises he may, by written notice, require the person directing or carrying on such erection or re-erection or execution of work to stop the same forthwith.

(2) If such erection or re-erection or execution of work is not stopped forthwith, the Commissioner may direct that any person directing or carrying on such erection or re-erection or execution of work shall be removed from such premises by any police officer and may cause such steps to be taken as he may consider necessary to prevent the re-entry of such person on the premises without his permission.

(3) The cost of any measures taken under sub-section (2) shall be paid by the said person.

Power of Commissioner to cause any building to be vacated in certain circumstances.

462. (1) Notwithstanding the provisions of any other law to the contrary the Commissioner may, by written notice, order any building or any portion thereof to be vacated forthwith or within the time specified in such notice—

(a) if such building or portion thereof has been unlawfully occupied in contravention of section 455;

(b) if a notice has been issued in respect of such building or part thereof requiring the alteration or re-

construction of any existing staircase, lobby, passage, or landing and the works specified in such notice have not yet been commenced or completed ;

(c) if the building or part thereof is in a ruinous or dangerous condition within the meaning of section 456.

(2) In every such notice the Commissioner shall clearly specify the reasons for requiring such building or portion thereof to be vacated.

(3) The affixing of such written notice on any part of such premises shall be deemed a sufficient notice to the occupiers of such building or portion thereof.

(4) On the issue of a notice under sub-section (1) every person in occupation of the building or portion thereof to which the notice relates shall vacate such building or portion as directed in the notice and no person shall, so long as the notice is not withdrawn, enter the building or portion thereof except for the purpose of carrying out any work which he may lawfully carry out.

(5) The Commissioner may direct that any person who acts in contravention of sub-section (4) shall be removed from such building or part thereof by any police officer.

(6) The Commissioner shall, on the application of any person who has vacated any premises in pursuance of a notice under sub-section (1), reinstate such person in the premises on the withdrawal of such notice, unless it is in his opinion impracticable to restore substantially the same terms of occupation by reason of any structural alteration or demolition.

(7) The Commissioner may direct the removal from the said premises by any police officer of any person who obstructs him in any action taken under sub-section (6) and may also use such force as is reasonable and necessary to effect entry in the said premises.

Power to regulate future construction of certain classes of buildings in particular streets or localities.

463. (1) The Commissioner may give public notice of his intention to declare, subject to any valid objection that may be preferred within a period of three months—

(a) that in any street or portions of street specified in such notice that elevation and construction of the frontage of all buildings or any classes of buildings thereafter erected or re-erected shall in respect of their architectural features be such as the Corporation may consider suitable to the locality ;

(b) that in any localities specified in the notice there shall be allowed the construction of only detached or semi-detached buildings or both and that the land appurtenant to each such building shall be of an area not less than that specified in such notice;

(c) that the minimum size of building plots in particular localities shall be of a specified area;

(d) that in any locailties specified in the notice the construction of more than a specified number of houses on each acre of land shall not be allowed; or

(e) that in any streets, portions of streets or localities specified in such notice the construction of shops, warehouses, factories, huts or buildings designed for particular uses shall not be allowed without the special permission of the Commissioner granted in accordance with general regulations framed by the Standing Committee in this behalf and subject to the terms of such permission only.

(2) The Standing Committee shall consider all objections received within a period of three months from the publication of such notice, and shall then submit the notice with a statement of objections received and of its opinion thereon to the Corporation.

(3) No objection received after the said period of three months shall be considered.

(4) Within a period of two months after the receipt of the same the Corporation shall submit all the documents referred to in sub-section (2) with a statement of its opinion thereon to Government.

(5) Government may pass such orders with respect to such declaration as it may think fit:

Provided that such declaration shall not thereby be made applicable to any street, portion of a street or locality not specified in the notice issued under sub-section (1).

(6) The declaration as confirmed or modified by Government shall be published in the Official Gazette and shall take effect from the date of such publication.

(7) No person shall erect or re-erect any building in contravention of such declaration.

CHAPTER XIII.

PLANNING AND DEVELOPMENT.

Plans and layouts.

464. (1) The Government may by notification in the Official Gazette declare any area within the limits of a city to be a Development Plan Area and shall sanction in the prescribed manner a development plan in relation thereto.

(2) The development plan shall include such maps and such descriptive matters as may be deemed necessary for the purposes of developing any area, and in particular—

(a) define the present use of every piece of land within the limits of the City and in their adjoining areas.

(b) define the sites of proposed roads, public and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan.

(c) designate, as land subject to compulsory acquisition under the powers in that behalf conferred by this Act or any other Act.

465. (1) As soon as any development plan is sanctioned under section 464 the same shall be published in the Official Gazette. The place where and the time when the said plan shall be open to inspection by the public shall also be specified.

(2) Any development plan published under subsection (1) shall be conclusive proof of its being duly made and sanctioned by the Government and shall be effective from the date of its publication and be capable of execution as soon as may be thereafter :

Provided that the Government may vary or revoke the development plan and direct the deferment of the execution of any such plan or any part thereof to such date as it may determine.

466. Where a development plan sanctioned under section 464 is at any time after being given effect to varied or revoked, any persons incurring expenditure in compliance with the development plan so varied or revoked and on preferring a claim in respect thereof shall be compensated by the Corporation to the extent of the actual loss suffered by him due to such variation or revocation.

467. No person shall erect or re-erect any building building except in accordance with the development plan sanctioned under section 464.

468. Immovable property required for the purpose of developing any area under this Chapter shall be deemed to be land needed for a public purpose with in the meaning of the Hyderabad Land Acquisition Act, 1309 Fasli (IX of 1309 Fasli).

Commissioner to make draft improvement Scheme.

469. (1) Subject to the provisions of sub-section (4) if it shall appear to the Commissioner—

(A) that within certain limits in any part of the City.

(a) any building used, or intended or likely to be used, for human habitation, are unfit for human habitation,

(b) the narrowness, closeness and bad arrangement or the bad condition of the streets and buildings or groups of buildings, within such limits or the want of light, air, ventilation or proper convenience, or any other sanitary defects, or one or more of such causes, are dangerous or injurious to the health of the inhabitants either of the buildings within the area of such limits, or of the neighbouring buildings, and that the defects in such area cannot be affectually remedied otherwise than by an improvement scheme for the rearrangement and reconstruction of the streets and buildings within such area or of some of such streets or buildings, or

(c) it is necessary to provide for the construction of buildings for the accommodation of the poorer sections of the community; or

(B) that for the purpose of providing new building sites or for remedying the defective ventilation of any part of the City or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the City it is expedient to form new or to alter existing streets or to construct or reconstruct any bridges, causeways, sub-ways or other works appurtenant thereto in any part of the City,

the Commissioner may—

(i) with the previous approval of the Corporation, which shall not be given unless the Corporation is satisfied of the sufficiency of its resources, draw up a notification stating that the Commissioner pro-

poses to make an improvement scheme, specifying the area to which the resolution relates and the works proposed to be included in such scheme and naming a place where a map of the said area may be seen at all reasonable hours;

(ii) during three consecutive weeks publish simultaneously in the Official Gazette and in the local newspapers a copy of the said notification; and

(iii) proceed to make a draft improvement scheme and submit the scheme to the Standing Committee for approval.

(2) In making an improvement scheme more than one area may be included in one improvement scheme.

(3 With the previous approval of the Corporation the Commissioner may, for the purpose of making an improvement scheme, cause surveys to be made in areas either inside or outside the limits of the area comprised in the scheme to be made.

(4) No improvement scheme shall, notwithstanding anything contained hereinafter be made—

(a) except in accordance with a Development Plan sanctioned under this Chapter;

(b) for any area for which a housing scheme has been sanctioned under the provisions of the rules of the Constitution of the City Improvement Board of Hyderabad, 1912 or under the Town Improvement Trust Regulations of Secunderabad.

470. (1) The improvement scheme, which may exclude any part of the area included in the notification refered to in section 469 or include any neighbouring land, if the Commissioner is of opinion that such exclusion or inclusion is necessary for the proper carrying out of the scheme—

(a) shall, within the limits of the area comprised in the scheme, provide for—

(i) the acquisition of any land which will, in the the opinion of the Commissioner, be necessary for or, subject to the provisions of sub-section (2), be affected by the execution of the scheme;

(ii) relaying out all or any land including the construction and reconstruction of buildings and the formation and alteration of streets;

(iii) the laying of such storm-water drains and sewers as may be required for the efficient draining and sewering of streets so formed or altered ;

(iv) the lighting of streets so formed or altered;

(b) may, within the limits aforesaid provide for—

(i) the construction or reconstruction of bridges, causeways or sub-ways or any other works appurtenant thereto ;

(ii) raising any land which the Commissioner may deem expedient to raise for the better drainage of the locality ;

(iii) forming open spaces for the better ventilation of the area comprised in the scheme or any adjoining area ;

(iv) the whole or any part of the sanitary arrangements required ; and

(c) may, within and without the limits aforesaid, provide for the construction of buildings for the accommodation of the poorer sections of the community including the whole or part of such section to be displayed in the execution of the scheme :

Provided that no neighbouring land shall be included in an improvement Scheme unless previous publication on such inclusion has been affected in the manner provided in clause (ii) of sub-section (1) of section 469.

(2) If, in the opinion of the Commissioner, any land within the limits aforesaid which is not required for the execution of the scheme will, as the result of such execution, be increased in value the scheme may, in lieu of providing for the acquisition of such land, provide for the levy of a betterment charge as hereinafter provided in respect of the increase in th value thereof.

(3) In making an improvment scheme for any area regard shall be had to the conditions and nature of the neighbouring parts of the City and of the City as a whole, and to the likelihood of improvement schemes being required for the neighbouring and other parts of the City.

Procedure on completion of scheme.

471. (1) On the submission by the Commissioner of a draft improvement scheme, the Standing Committee shall take such scheme into its consideration and may approve the same with or without such alteration as it thinks fit.

(2) Upon the approval of an improvement Scheme by the Standing Committee the Commissioner shall forth-

with draw up a notification stating the fact of a scheme having been made, and the limits of the area comprised therein, and naming a place where particulars of the scheme, a map of the same and a statement of the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge may be seen at all reasonable hours, and shall—

(a) communicate a copy of such notification, particulars, map and statement to the Corporation;

(b) publish the notification in the manner specified for the publication of a notification under section 469.

(3) During the thirty days next following the first day on which such notification is published, the Commissioner shall serve a notice upon every person whose name appears in the Commissioner's Assessment book as primarily liable for the payment of the property taxes leviable under this Act on any land or building or part of a building which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge.

(4) Such notice shall—

(a) state that the Commissioner on behalf of the Corporation proposes to acquire such land or building or part of a building or to levy a better charge in respect thereof for the purpose of or in connection with an improvement scheme, and

(b) require the person so served, if he objects to such acquisition or levy, to state his reasons in writing within 30 days from the date of service of the notice.

Right of owner to demand Acquisition on issue of notification when building operations are in progress.

472. (1) If any land is included in any statement specifying the land proposed to be acquired made in accordance with any notification drawn up under section 471 and if the owner of such land shall prove to the satisfaction of the Collector, Hyderabad District (hereinafter called the Collector) that at the date of the said notification building operations were in progress on such land or any part thereof and the buildings were structurally complete up to the first floor level, the Collector shall call upon the Commissioner to acquire such land.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee and the said Committee shall then resolve whether in its opinion it is desirable to acquire the land set out in the notice or to withdraw from the proposal to acquire and shall communicate its resolution within two months to the Corporation which shall within one month after re-

ceipt thereof communicate to the Commissioner the decision of the Corporation in the matter, and thereupon the Commissioner shall forthwith in accordance with such decision either proceed to acquire such land or give written notice to the owner that the proposal to acquire has been withdrawn.

(3) If the Corporation decides to acquire the land, the Commissioner shall give notice of such decision to the Collector and the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 5 of the Hyderabad Land Acquisition Act, IX of 1309 Fasli.

(4) If the Corporation withdraws from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of the land proposed to be acquired, made in acordance with any notification drawn up under section 471 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(5) Notwithstanding any thing contained in this section, if the Corporation withdraws from the proposal to acquire any land under sub-section (2) such land may be included in, or added to any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 471 :

Provided that the provision of sub-section (3) and (4) of section 471 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (3) commenced on the date on which notice was given to the owner that the proposal to acquire land had been withdrawn.

Right of owner to demand acquisition or withdrawal by Corporation after lapse of 2 years from the date of notification.

473. (1) The owner of any land included in any statement of the land proposed to be acquired made in accordance with any notification drawn up under section 471 may at any time before the publication of a declaration under section 476 and after the expiry of one year from the date of such notification by written notice to the Commissioner setting out the particulars of such land call upon the Commisioner to acquire such land on behalf of the Corporation.

(2) On receipt of such notice the Commissioner shall forthwith report the matter to the Standing Committee

and the said Committee shall resolve whether in its opinion it is desirable to acquire the land set out in the notice and shall communicate its resolution within two months to the Corporation which shall within two months after the receipt thereof communicate to the Committee and Commissioner the decision of the Corporation in the matter and thereupon the Commissioner shall in accordance with such decision either decide to acquire such land or give notice to the owner that he has withdrawn the proposal to acquire.

(3 If the Corporation decides to acquire the land, the Commissioner shall give notice of such decision to the Collector and the owner, and the Collector shall proceed as if a declaration had been made in respect of the land in question under section 5 of the Hyderabad Land Acquisition Act IX of 1309 Fasli.

(4) If the Corporation withdraws from the proposal to acquire any land under sub-section (2) such land shall not be included in any statement of the land proposed to be acquired, made in accordance with any notification drawn up under section 471 until the expiry of two years from the date of the issue of written notice of withdrawal to the owner.

(5) Notwithstanding anything contained in this section, if the Corporation withdraws from the proposal to acquire any land under sub-section (2) such land may be included in, or added to any statement of the land in respect of which it is proposed to levy a betterment charge made in accordance with any notification drawn up under section 471 ;

Provided that the provision of sub-sections (3) and (4) of section 471 shall apply in respect of such land as if the period of thirty days referred to in the said sub-section (3) commenced on the date on which notice was given to the owner that the proposal to acquire land had been withdrawn.

(6) Upon compliance with foregoing provisions with respect to the publication of the notices of the scheme the Commissioner shall submit to the Standing Committee any objection or representation received under section 471 together with any suggestion he may wish to make in respect of the modification of the scheme.

(7) The Standing Committee shall, after consideration of any such objection, representation or suggestion

and after inserting in the scheme such modification as it thinks fit, submit the scheme together with any such objection, representation or suggestion to the Corporation for its approval.

Corporation to consider improvement scheme and to approve or disapprove.

474. The Corporation shall, on receipt of a scheme from the Standing Committee proceed to take such scheme into consideration together with any objection, representation or suggestion received or made unedr section 471 or 473 and shall, after having approved the scheme with or without modification or declined to approve the scheme, pass a resolution to that effect.

Commissioner to apply to Government for sanction of scheme.

475. (1) As soon as the Corporation has approved the scheme the Commissioner shall apply to the Government on behalf of the Corporation for sanction to the scheme.

(2) If the Corporation declines to aprove the scheme the Commissioner shall forthwith draw up and publish in the manner provided in section 469 a notification stating that the Corporation has resoled not to proceed with the making of the scheme, and on such publication the notifications relating to the scheme published under section 469 and 471 shall be deemed to be cancelled.

(3) An application to the Government under sub-section (1) for sanction shall be accompanied by :—

(a) a copy of the resolution passed by the Standing Committee under section 471 ;

(b) a copy of the resolution passed by the Corporation under section 469 ;

(c) a description with full particulars of the scheme including the reasons for any modifications inserted therein ;

(d) complete plans and estimates of the cost of executing the scheme ;

(e) a statement specifying the land which it is proposed to acquire or in respect of which it is proposed to levy a betterment charge ;

(f) a list of the names of the persons, if any, who in answer to the notices mentioned in sub-section (3) of section 467 objected, with the reasons, if any, stated by such persons for objection, in respect of the acquisition of their land or the levy of a betterment charge ;

(g) a schedule showing the rateable value, as entered in the Commissioner's Assessment-book, at the date of the publication of a notification relating to the land under section 471, of all land specified in the statement under clause (e) and of any other land wholly or partially situated within eighty feet from either side of any street to be formed or altered in executing the scheme.

On receipt of sanction declaration to be published giving particulars of land to be acquired and on publication of such declaration Commissioner to be authorised to execute scheme.

476. (1) (a) On receipt of the sanction of Government the Commissioner shall forward to Government ment a declaration for notification stating the fact of such sanction and that the land proposed to be acquired by the Corporation for the purpose of the scheme is required for a public purpose.

(b) The declaration shall be published in the Official Gazette in the same manner as an order of Government and shall state the limits within which the land proposed to be acquired is situate, the purpose for which it is needed, its approximate area, and the place where a plan of the land may be inspected.

(c) The said declaration shall be conclusive evidence that the land is needed for a public purpose, and the Commissioner shall, upon the publication of the said declaration, proceed to execute the scheme.

(2) (a) If at any time it appears to the Commissioner, the Standing Committee or the Corporation, as the case may be, that an improvement can be made in any part of the scheme, the Corporation may alter the scheme for the purpose of making such improvement and thereupon the Commissioner shall, subject to the provisions contained in the next two clauses of this sub-section forthwith proceed to execute the scheme as altered.

(b) If the estimated net cost of executing the scheme as altered exceeds by ten per cent. the estimated net cost of executing the scheme as sanctioned, the Commissioner shall not, without the previous sanction of the Corporation and of Government, proceed to execute the scheme as altered.

(c) If the scheme as altered involves the acquisition otherwise than by agreement of or the levy of betterment charge in a respect of any land other than that specified in the schedule accompanying the scheme under sub-section (3) of section 475 the provisions of

sections 471 and 475 and of sub-section (1) shall apply to the part of the scheme so altered, in the same manner as if such altered part were the scheme.

If Corporation fails to acquire the land, owner may call upon Corporation to acquire it or to withdraw from proposal.

477. If within three years from the declaration aforesaid, the Corporation fails to acquire any land included in such declaration or any part of such land, the owner of such land may, by written notice setting out the particulars of such land, call upon the Corporation to acquire such land or to withdraw from the proposal to acquire it and thereafter the procedure prescribed in sub-sections (2) to (5) of section 473 shall be followed.

Method of calculation of betterment charge.

478. Where an improvement scheme provided for the levy of a betterment charge pursuant to sub-section (2) of section 470 such betterment charge shall be an amount equal to one-half of the increase in the value of the land, including the buildings, if any, thereon and shall be calculated upon the amount by which the value of the said land on completion of the execution of the scheme exceeds the value of the said land at the time of the publication of the notification made under section 471.

Procedure for determining charge.

479. (1) When it appears to the Commisssioner that an improvement scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Commissioner shall make a report to Standing Committee to that effect and Standing Committee after considering the report may by resolution declare the date on which, for the purpose of determining the amount of the deemed charge, the execution of the scheme shall be deemed to have been completed.

(2) The amount of betterment charge leviable in each case shall be determined in accordance with section 478 after following the procedure provided in sub-section (3) by such officer as the Government may by notification in the Official Gazette appoint in this behalf at the request of the Corporation.

(3) On a date being fixed under sub-section (1) and an officer being being appointed under sub-section (2) the Commissioner shall, in consultation with such officer, serve upon every person on whom a notice in respect of the property affected has been served under sub-section (3) of section 471 a notice which shall state :—

(a) the date declared by the Standing Committee under sub-section (1) as aforesaid ;

(b) the time, being some time not less than twenty-one days after the service of the notice, and place at which the assessment of the betterment charge will be considered by such officer, and every person upon whom such a notice is served shall be entitled to be heard either in person or by a duly authorised agent when the matter is taken into consideration by such officer.

(4) When such officer has determined the amount of the betterment charge leviable in respect of any property, the Commissioner shall serve upon the person concerned a notice stating the amount so determined.

(5) With effect from the date of service of the notice under sub-section (4) and, subject to the decision upon any reference made to the Judge as hereinafter provided in sub-section (6), the amount of the betterment charge determined as aforesaid and interest thereon, if any, shall be a charge upon the property in respect of which it is levied and shall be recoverable in the same manner as expenses declared to be improvement expenses under section 635.

(6) If any person is dissatisfied with the charge determined by the officer appointed by Government under sub-section (2), the Commissioner, shall, upon the application of such person at any time within one month from the date of the service of a notice under sub-section (4), refer the case for the determination of the Judge whose decision thereupon shall be final.

(7) If no application for determination by the Judge is made as provided in sub-section (6) the determination of the amount of a betterment charge by the officer appointed by the Government in this behalf shall be final.

CHAPTER XIV.

SANITARY PROVISIONS.

Scavenging and cleansing.

Commissioner to provide for cleansing of streets and removal of refuse.

480. For the purpose of securing the efficient scavenging and cleansing of all streets and premises, the Commissioner shall take measure for securing—

(a) the daily surface cleansing of all streets in the City and the removal of the sweeping therefrom;

(b) the removal of the contents of all receptacles and depots and of the accumulations at all places provided or appointed by him under section 484 or 485 for the temporary deposit of any of the matters specified in the said sections.

Refuse, etc., to be the property of the Corporation.

481. All matters collected by municipal servants or contractors in pursuance of the last preceding section and of section 484 shall be the property of the Corporation.

Provision and appointment of receptacles, depots, and places for refuse, etc.

482. The Commissioner shall provide or appoint in proper and convenient situations public receptacles, depots and places for the temporary deposit or final disposal of—

(a) dust, ashes, refuse and rubbish;

(b) trade refuse;

(c) carcases of dead animals, and excrementitious and polluted matter:

Provided that—

(i) the said matters shall not be finally disposed of in any place or manner in which the same have not heretofore been so disposed of, without the sanction of the Corporation or in any place or manner which the Government think fit to disallow;

(ii) any power conferred by this section shall be exercised in such manner as to create the least practicable nuisance.

Duty of owners and occupiers to collect and deposit dust, etc.

483. (1) It shall be incumbent on the owner and occupiers of all premises to cause all dust, ashes, refuse, rubbish and trade refuse to be collected from their respective premises and to be deposited at such times as the Commissioner, by public notice from time to time specifies, in the public receptacle, depot or place provided or appointed under the last preceding section or the temporary deposit or final disposal thereof.

(2) The Commissioner may, if he thinks fit, by written notice require the occupier and owner or either of them of any premises to cause all dust, ashes, refuse and rubbish, but not trade refuse to be collected daily, or otherwise periodically, from the said premises and deposted temporarily upon any place forming the part of the said premises which the Commissioner appoints in this behalf, and it shall be incumbent on the said occupier and owner or either of them to cause the said matters to be collected and deposited accordingly.

(3) It shall be incumbent on the owners of all premises to provide receptacles of a size to be specified by the Commissioner for the collection therein of all dust, ashes, refuse, rubbish and trade refuse to be collected

from such premises. Such receptacles shall at all times be kept in good repair and condition and shall be provided in such number and place and retained in such positions as the Commissioner may, from time to time, by written notice, direct.

(4) It shall also be incumbent on the owners and occupiers or either of them of all premises when required by the Commissioner by written notice so to do, to employ servants for the purpose of carrying out and complying with the requirements of sub-sections (1) and (2) of this section.

Provision may be made by Commissioner for collection, etc., of excrementitious and polluted matter.

484. When the Commissioner has given public notice, under clause (a) of sub-section (1) of section 201, of his intention to provide, in a certain portion of the City, for the collection, removal and disposal by municipal agency, of all excrementitious and polluted matter from privies, urinals and cesspools, it shall be lawful for the Commissioner to take measures for the daily collection, removal and disposal of such matter from all premises situated in the said portion of the city.

Collection and removal of excrementitious and polluted matter when to be provided for by occupiers.

485. It shall be incumbent on the occupier of any premises situate in any portion of the City for which the Commissioner has not given a public notice under clause (a) of sub-section (1) of section 201 and in which there is not a water-closet or privy connected with a municipal drain, to cause all excrementitious and polluted matter accumulating upon his premises to be conveyed to the nearest receptacle or depot provided for this purpose under clause (b) of section 482, at such times, in such vehicle or vessel, by such route and with such precautions, as the Commissioner by public notice from time to time specifies.

Scavengers' duties in certain cases may not be discharged by private individuals without the Commissioner's permission.

486. In any portion of the City in which the Commissioner has given a public notice under clause (a) of sub-section (1) of section 201, and in any premises whereever situate in which there is a water-closet or privy connected with a municipal drain, it shall not be lawful, except with the written premission of the Commissioner, for any person who is not employed by or on behalf of the Commissioner, to discharge any of the duties of scavengers.

Prohibition of failure to remove refuse, etc., when bound to do so.

487. No person—

(a) who is bound, under section 483 or section 485 to cause the removal of dust, ashes, refuse, rubbish and trade refuse or of excrementitious or polluted matter, shall allow the same to accumulate on his premises for more than twenty-four hours or neglect to cause the same to be removed to the depot, receptacle or place provided or appointed for the purpose;

(b) shall remove any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter, otherwise than in conformity with the requirements of any public or written notice at the time in force under section 483 or use for the removal of any excrementitious or polluted matter any vehicle or vessel not having covering proper for preventing the escape of any portion of the contents thereof or of the stench therefrom;

(c) shall, whilst engaged, in the removal of any dust, ashes refuse, rubbish or trade refuse, or of any excrementitious or polluted matter, fail forthwith thoroughly to sweep and cleanse the spot in any street upon which, during removal any portion thereof may fall and entirely to remove these sweepings;

(d) shall place or set down in any street any vehicle or vessel for the removal of excrementitious or polluted matter or suffer the same to remain in any street for any greater length of time than is reasonably necessary;

(e) shall throw or place any dust, ashes, refuse, rubbish or trade refuse or any excrementitious or polluted matter on any street or in any place not provided or appointed for this purpose under section 482 or 483.

(f) who is the owner or occupier of any building or land, shall allow any filthy matter to flow, soak or be thrown therefrom or keep or suffer to be kept therein or thereupon any thing so as to be nuisance to any person, or negligently suffer any privy-receptacle or other receptacle or place for the deposit of filthy matter or rubbish on his premises to be in such a state as to be offensive or injurious to health.

Presumption as to offender under cause (e) of section 487.

488. If it shall in any case be shown that dust, ashes, refuse, rubbish or trade effluent or any excrementitious or polluted matter has or have been thrown or placed on any street or place, in contravention of clause (e) of sec-

tion 487, from some premises, it shal be presumed, until the contrary proved, that the said offence has been committed by the occupier of the said premises.

Removal of rubbish and filth accumulating in large quantities on premises.

489. (1) If any person who is bound under section 483 cause the collection and deposit of dust, ashes, refuse, rubbish and trade effluent or under section 483 to cause the collection and removal of excrementitious and polluted matter shall allow the same to accumulate on his premises for more than twenty-four hours or shall keep the same otherwise than in a proper receptacle, or shall neglect to cause the same to be removed to the receptacle, depot or place provided or appointed for the purpose, the Commissioner, may in addition to the institution of any proceedings provided for in this Act, by written notice require such person to collect forthwith all such dust, ashes, refuse, rubbish, trade effluent or excrementitious or polluted matter accumulated thereon and remove the same forthwith in the manner and to the place provided by or under this Act.

(2) If such person shall fail to comply with the notice given sub-section (1), the Commissioner may cause the dust, ashes, refuse, rubbish and trade or excrementitious or polluted matter accumulated in such premises to be removed and such charge as the Commissioner may, with the sanction of the Standing Committee, fix, shall be paid by such person towards the cost of removal.

Contract with owner or occupier for removal of rubbish or filth.

490. The Commissioner may contract with the owner or occupier of any premises to remove rubbish or filth from such premises on such terms as to time and period of removal and other matters as many seem suitable to the Commissioner, and on payment of fees at such rate as the Corporation may determine.

Special sanitary arrangements at certain places.

491. (1) The Commissioner shall make such special arrangements, whether permanent or temporary, as he considers adequate, for maintaining sanitation in the vicinity of any temple, mutt, mosque, tomb or any place of religious worship or institutions to which large number of persons resort on particular occasions or in any place which is used for holding fairs or festivals.

(2) The Commissioner may require any person having control over any such place as aforesaid to pay to the Corporation such contribution towards the cost of the special measures taken under sub-section (1) as the Corporation may, from time to time, fix.

Inspection and sanitary regulation of premises.

Power to inspect premises for sanitary purposes.

492. The Commissioner may inspect any building or other premises for the purpose of ascertaining the sanitary condition thereof.

Repair, cleansing and lime-washing of any building may be required.

493. If it shall appear to the Commissioner necessary for sanitary reasons so to do, he may, by written notice, require the owner or occupier of any building so inspected to cause the same or some portion thereof to be repaired or limewashed or otherwise cleansed, either externally or internally, or both externally and internally.

Removal of building materials from any premises may be required.

494. If it shall appear to the Commissioner that any tiles, stones, rafters, building materials or debris of building materials are stored or collected in or upon any premises without the written permission of the Commissioner in such quantity or bulk or in such way as to constitute a harbourage or breeding place for rats or other vermin or otherwise a source of danger or nuisance to the occupiers of the said premises or to persons residing in the neighbourhood thereof, the Commissioner may by written notice require the owner of such premises, or the owner of the materials or debris so stored or collected therein, to remove or dispose of the same or to take such order with the same as shall in the opinion of the Commissioner be necessary or expedient to abate the nuisance or prevent a recurrence thereof.

Abandoned or unoccupied premises.

495. If any premises, by reason of their being abandoned or unoccupied, become a resort of disorderly or, persons or, in the opinion of the Commissioner, a nuisance, the Commissioner, after such inquiry as he deems necessary, may give written notice to the owner of such premises, if he be known and resident within the city or to any person who is known or believed to claim to be the owner, if such person is resident within the city and shall also affix a copy of the said notice on some conspicuous part of the said premises, requiring all persons having any right of property or interest therein to take such order with the said premises as shall in the opinion of the Commissioner be necessary to prevent the same from being resorted to as aforesaid or from continuing to be a nuisance.

Neglected premises.

496. (1) If it shall appear to the Commissioner that any premises are overgrown with rank and noisome vegetation or are otherwise in an unwholesome or filthy condition or, by reason of their not being properly enclosed, or resorted to by the public for purposes of nature, or are otherwise a nuisance to the neighbouring inhabitants, the Commissioner may, by written notice, require the owner or occupier of such premises to cleanse, clear or enclose the same, or with the approval of the Standing Committee, may require him to take such other order with the same as the Commissioner thinks necessary.

(2) If it shall appear to the Commissioner that any private street is overgrown with rank and noisome vegetation or is otherwise in an unwholesome or filthy condition, the Commissioner may by written notice require the owners of the several premises fronting or adjoining the said street or abutting thereon to cleanse or clear the same, or with the approval of the Standing Committee require them to take such other order with the same as the Commissioner may think necessary, provided that nothing herein contained shall affect the provision of section 480:

Provided that in so far as the unwholesome or filthy condition of such premises or such street or such nuisance as above mentioned is caused by the discharge from or by any defect in the municipal drains or appliances connected therewith, it shall be incumbent on the Commissioner to cleanse such premises or such street.

Nuisance airsing from defective roof.

497. (1) If it shall appear to the Commissioner that any building or any part of a building is in such a state as to constitute a nuisance or to be likely to give rise to one, by reason of rain-water leaking from its roof or any part of its roof, the Commissioner may give a notice in writing to the owner of such building requiring him to abate the nuisance or to prevent its recurrence within the time and by taking the measures and doing the the acts to be specified in the notice.

(2) If at any time thereafter the Commissioner is of opinion that such a nuisance may recur he may, notwithstanding that the original nuisance may have been abated by the owner of the building under sub-section (1), give a further notice in writing to the said owner requiring him to abate the probable recurrence of the nuisance within the time and in the manner specified in the notice.

(3) If the owner of the building by whose act, default or sufference such nuisance has arisen or continues is unknown or cannot be found the Commissioner may take such measures or cause such work to be executed or such things to be done as shall in his opinion be necessary to abate such nuisance and to prevent its recurrence.

Powers with reference to insanitary buildings.

498. (1) Whenever the Commissioner considers—

(a) that any building or portion thereof is, by reasons of its having no plinth or having a plinth of insufficient height, or by reason of the want of proper drainage or ventialtion or by reason of the impracticability of cleansing, attended with danger of disease to the occupiers thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety, or

(b) that a block or group of buildings is for any of the said reasons, or by reason of the manner in which the buildings are crowded together, attended with such risk as aforesaid, he may by notice require the owners or occupiers of such buildings or portions of buildings or at his option, the owner of the land occupied by such buildings, or portions of buildings to execute such works or to take such measures as he may deem necessary for the prevention of such danger.

(2) No person shall be entitled to compensation for damages sustained by reasons of any action taken under or in pursuance of this section save when a building is demolished in pursuance of an order made hereunder, or so far demolished as to require reconstruction, in which case the Corporation shall make reasonable compensation to the owner thereof.

(3) When any building is entirely demolished under this section and the demolition thereof adds to the value of other buildings in the immediate vicinity, the owners of such other buildings shall be bound to contribute towords the compensation payable to the owner of the first-named building in such proportion to the increased value acquired by their respective buildings as may be determined by the Commissioner with the approval of the Standing Committee.

(4) When any building is so far demolished under this section as to require reconstruction, allowance shall

be made in determining the compensation, for the benefit accruing to the premises from the improvement thereof.

Buildings unfit for human habitation.

499. (1) If any building, or portion thereof, intended for or used as a dwelling place appears to the Commissioner to be unfit for human habitation, he may apply to the Standing Committee to prohibit the further use of such building for such purpose, and the Standing Committee may, after giving the owner and occupiers thereof a reasonable opportunity of showing cause why such orders should not be made, make a prohibitory order as aforesaid.

(2) When any such prohibitory has been made, the Commissioner shall communicate the purport thereof to the owner and occupiers of the building and on expiry of such period as is specified in the notice, not being less than thirty days after the service of the notice, no owner or occupier shall use or suffer it to be used for human habitation until the Commissioner certifies in writing that the causes rendering it unfit for human habitation have been removed to his satisfaction, or the Standing Committee withdraws the prohibition.

(3) When such prohibitory order has remained in operation for three months the Commissioner shall report the case to the Standing Committee which shall thereupon consider whether the building should not be demolished. The Standing Committee shall give the owner not less than thirty days, notice of the time and place at which the question will be considered and the owner shall be entitled to be heard when the question is taken into consideration.

(4) If upon such consideration the Standing Committee is of opinion that the building has not been rendered fit for human habitation and that steps are not being taken with due deligence to render it so fit and that the continuance thereof is a nuisance or dangerous or injurious to the health of the pubilc or to the inhabitants of the neighbourhood it shall record a decision to that effect, with the grounds of the decision, and the Commissioner shall in pursuance of the said decision by notice require the owner to demolish the building.

(5) If the owner undertake to execute forthwith the works necessary to render the building fit for human habitation and the Commissioner considers that it can be so made fit, the Commissioner may postpone the execu-

tion of the decision of the Standing Committee, for such time not exceeding six months, as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

Power of Commissioner to call for statement of accommodation.

500. (1) The owner of a building shall, within a period of fifteen days after receipt of written notice from the Commissioner, sign and give a certificate of the following particulars with respect to such building or any part thereof:—

(a) the total number of rooms in the building,

(b) the length, breadth and height of each room, and

(c) the name of the person to whom he has let the building or each part of the building occupied as a separate tenement.

(2) The occupier of a building or of any part of a building occupied as a separate tenement shall, on like notice, and within the like period, sign and give a certificate of the following particulars with respect to such building or part of such building as aforesaid which is in his occupation :—

(a) the total number of persons dwelling in the building or any part of it,

(b) the number of persons using each room by day and by night, and

(c) the number, sex and age of the occupants of each room used for sleeping.

Overcrowded dwelling.

501. (1) Where it appears to the Commissioner, whether from any certificate furnished under section 500 or otherwise, that any building or any room or rooms therein used for human habitation is overcrowded, he may apply to a Magistrate to prevent such overcrowding; and the said Magistrate after such inquiry as he thinks fit to make, may fix the maximum number of persons to be accommodated in each room and may, by written order, require the owner of the building within a reasonable time not exceeding ten days to be fixed in the said order, to abate the overcrowding thereof, by reducing the number of lodgers, tenants or other inmates of the said building or room or rooms, in accordance with the maximum so fixed and to the satisfaction of the Commissioner, or may pass such other order as he may deem just and proper.

(2) Where the owner of the said building has sublet the same, the landlord of the lodgers, tenants or other actual inmates of the same shall, for the purposes of this section, be deemed to be the owner of the said building.

(3) Every tenant, lodger or other inmate of the said building shall vacate on being required by the owner so to do in pursuance of any order under sub-section (1).

(4) A room used exclusively as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than twenty-five superficial feet and for each person under the age of ten years less than twelve and one-half superficial feet, or when the air space for each adult inmate is less than two hundred and fifty cubic feet, two children under ten years of age counting as one adult.

(5) A room not exclusively used as a dwelling shall be deemed to be overcrowded within the meaning of this section when the number of adult inmates is such that the amount of floor space available for each adult inmate is less than thirty superficial feet, and for each under the age of ten years less than fifteen superficial feet, or when the air space for each adult inmate is less than three hundred cubic feet, two children under ten years of age counting as one adult.

Insanitary huts and sheds.

502. If the Commissioner is of opinion that any hut or shed, used either as a dwelling or as a stable or for any other purpose, is likely by reason of its being built without a plinth or upon a plinth of insufficient height or without proper means of drainage, or on account of the impracticability of scavenging or owing to the manner in which it and other huts or sheds are crowded together, to cause risk of disease to the inmates thereof or to the inhabitants of the neighbourhood, or is for any reason likely to endanger the public health or safety; he may, by written notice, which shall be affixed to some conspicuous part of such hut or shed, require the owner or occupier thereof, or the owner of the land on which such hut or shed stands, to remove or alter such hut or shed or to take such order for the improvement thereof as the Commissioner shall deem necessary.

Measures aginst rats, etc., may be required in respect of premises used for storage of goods.

503. Where it appears to the Commissioner that any building or part thereof used for the storage of goods is used in such manner as to afford harbourage to rats, mice or other animals susceptible to plague or other vermin, he may require the owner or occupier by written notice to take such steps for the destruction of rats, mice or other animals or other vermin as are specified in the notice or to carry out such works as will render the wall and floors of such building or part of a building roof against such infestation.

Fillings in of pools, etc., which are a nuisance.

504. (1) (i) For the purposes of this section, a nuisance shall include—

(a) any pool, ditch, tank, well, pond, quarry-hole, drain, water-course or any collection of water;

(b) any cistern or other receptacle or water or any article or thing capable of collecting rain-water during the monsoon season whether within or outside a building;

(c) any land on which water accumulates or is likely to accumulate; or

(d) any premises or any part of any premises occupied or unoccupied, or under construction, reconstruction or demolition; which in the opinion of the Commissioner is, or is likely to become a breeding place of mosquitoes or which is, in any other respect, a nuisance as defined in clause 35 of section 2.

(ii) The Commissioner may, by notice in writing, require the person by whose act, default or sufference, a nuisance arises, exists or continues, or is likely to arise and the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise or any one or more of such person, by taking such measures and by excuting such work in such manner and within such period of time as the Commissioner shall specify in such notice.

(iii) The Commissioner may also by notice under clause (ii) or by another notice, served on such person, owner, lessee and occupier, require them, or any one or more of them, to take all steps requisite or neeessary to prevent a recurrence of the nuisance and may, if he thinks it desirable, specify any work to be executed or measures to be carried out for that purpose, and may serve any such further notice not-

withstanding that the nuisance may have been abated or removed if he considers that is likely to recur :

Provided that if at any time within four months from the date of the service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(iv) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises, or any part of any premises, the Commissioner may in addition to serving any notice on any one or more of the persons mentioned in clause (ii) serve any such notice on any architect, contractor or other person employed to carry out such work of construction, reconstruction or demolition and also on any sub-contractor employed by such contractor or other person, or any one or more of such contractor, person and sub-contractor.

(2) If any person who, by a requisition made under sub-section (i), is required to fill up, cover over or drain off a well, delivers to the Commissioner, within the time prescribed for compliance therewith, written objections to such requisition, the Commissioner shall report such objections to the Standing Committee and shall make further inquiry into the case, and he shall not institute any prosecution under section 523 for failure to comply with such requisition except with the approval of the Standing Committee, but the Commissioner may nevertheless, if he deems the execution of the work called for by such requisition to be of urgent importance, proceed in accordance with section 639 and, pending the Standing Committee's disposal of the question whether the said well shall be permanently filled up, covered over or otherwise dealt with, may cause such well to be securely covered over, so as to prevent the ingress of mosquitoes, and in every such case the Commissioner shall determine, with the approval of the Standing Committee, whether the expenses of any work already done as aforesaid shall be paid by such person, or by the Commissioner out of the Municipal Fund or shall be shared, and, if so, in what proportions.

Permission for new well; etc.

505. (1) No new well, tank, pond, cistern or fountain shall be dug or constructed without the previous permission in writing of the Commissioner.

(2) If any such work is begun or completed without such permission the Commissioner may either—

(a) by written notice require the owner or other person who has done such work to fill up or demolish such work in such manner as the Commissioner shall determine, or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

Power to order cleansing of insanitary private water source, spring, tank, well, etc., used for drinking.

506. (1) The Commissioner may by written notice require the owner of, or person having control over, any private water source, spring, tank, well or other place the water of which is used for drinking, bathing or washing clothes to keep the same in good repair, to cleanse it in such manner as the Commissioner may direct and to protect it from pollution caused by surface drainage or other matter in such manner as may be provided in the notice.

(2) If the water of any private tank, well or other place which is used for drinking, bathing or washing clothes, as the case may be, is proved, to the satisfaction of the Commissioner to be unfit for that purpose, the Commissioner may by notice require the owner or person having control thereof to—

(a) refrain from using or permitting the use of such water, or

(b) close or fill up such place or enclose it with a substantial wall or fence.

Duty of Commissioner in respect of public well or receptacle of stagnant water.

507. If it appears to the Commissioner that any public well or receptacle of stagnant water is likely to be injurious to health or offensive to the neighbourhood he shall cause the same to be cleansed, drained or filled up.

Dangerous quarrying may be stopped.

508. If, in the opinion of the Commissioner, the working of any quarry, or the removal of stone, earth or other material from any place, is dangerous to persons residing in or having legal access to the neighbourhood thereof or creates or is likely to create a nuisance, the Commissioner may with the approval of the Standing

Committee, by written notice, require the owner of the said quarry or place to discontinue working the same or to discontinue removing stone, earth or other material from such place, or to take such order with such quarry or place, as he shall deem necessary for the purpose of preventing danger or of abating the nuisance arising or likely to arise therefrom.

Removal and trimming of trees shrubs and hedges.

509. (1) If, in the opinion of the Commissioner,—

(a) any hedge is at any time insufficiently cut or trimmed; or overgrown, with quickly pear or other rank vegetation; or

(b) any tree or shrub has fallen or is likely to fall, to the danger of public safety, or overhangs or obstructs any street to the inconvenience or danger of passengers therein;

the Commissioner may, by written notice, require the owner or occupier of the land on which such hedge, tree or shrub is or has been growing;

(i) to cut down such hedge to a height not exceeding four feet and to a width not exceeding three feet, and to remove any such prickly-pear or other rank vegetation therefrom; or

(ii) to remove, cut, lop or trim such tree or shrub, as the case may be.

(2) In any case falling under clause (b), the Commissioner may, if for the public safety it shall apear to him necessary so to do, cause any tree or shrub to be removed, cut, lopped or trimmed, without previously giving the said owner or occupier notice as aforesaid, and the expenses thereof shall, nevertheless, be paid by the owner or occupier.

Keeping and destruction of animals and disposal of carcass.

Prohibitions as to keeping animals.

510. (1) No person shall—

(a) without the written permission of the Comsioner, or otherwise than in conformity with the terms of such permission, keep any swine in any part of the city;

(b) keep any animal on his premises so as to be a nuisance or danger to any person;

(c) feed any animal, or suffer or permit any animal, to be fed or to feed, with or upon excrementitious matter, dung, stable refuse or other filthy matter.

(2) Any swine found straying may be forthwith destroyed and the carcass thereof disposed of as the Commissioner shall direct. No claim shall lie for compensation for any swine so destroyed.

Stabling animals or storing grain in dwelling house may be prohibited.

511. Where a building or any portion thereof is used or intended to be used for human habitation and any portion of such building is used for any of the following purposes, namely,—

(a) for keeping any horse, cow, buffalo, bullock, goat or donkey, or

(b) as a godown or place for the storage, in connection with whole-scale trade of grain, seed or groceries, the Commissioner may, if it shall appear to him necessary for sanitary reasons to do so, by written notice require the owner or occupier of such building to discontinue the use of such building for any such purpose; provided that the Commissioner may permit such use subject to such conditions as he may think fit to impose.

Removal of carcasses or dead animals.

512. (1) It shall be the duty of the Commissioner to provide for the removal of the carcasses of all animals dying within the city.

(2) The occupier of any premises in or upon which any animals shall die or in or upon which the carcass of any animal shall be found and the person having the charge of an animal which dies in the street or in any open place, shall within three hours after the death of such animal or, if the death occurs at night, within three hours after sunrise, report the death of such animal at the health department of the municipal office of the division of the city in which the death occurred or in which the carcass is found.

(3) For every carcass so removed by municipal agency a fee for the removal of such amount as shall be fixed by the Commissioner, shall be paid by the owner of the animal, or, if the owner is not known, by the occupier of the premises in or upon which, or by the person in whose charge, the said animal died.

Regulation of public bathing, washing, etc.

Places for public bathing, etc., to be fixed by the Commissioner, and regulation of use of such places.

513. (1) The Commissioner may, from time to time—

(a) set apart portions of a river or other suitable places vesting in the Corporation for use by the public for bathing, or for washing animals, or for washing or for drying clothes;

(b) specify the times at which and the sex of persons by whom, such places may be used ;

(c) prohibit, by the public notice, the use by the public for any of the said purposes of any place not so set apart ;

(d) prohibit by public notice the use by the public of any portion of a river or place not vesting in the Corporation for any of the said purposes ;

(e) regulate by public notice the use by the public of any portion of a river or other place vesting in the Corporation and set apart by him for any of the said purposes ; and

(f) regulate by public notice the use by the public of any portion of a river or other place not vesting in the Corporation for any of the said purposes, and of any work and of the water in any work, assigned and set apart under this Act for any particular purposes.

(2) The Commissioner may charge such fees as the Standing Committee may fix for the use of any place set apart under clause (a) of sub-section (1) by any specified class or classes of persons or by the public generally.

Prohibition of bathing, etc., contrary to order for regulation.

514. Except as permitted by any order made under any provision of this Act, no person shall—

(a) bathe in or near any lake, tank, reservoir, fountain, cistern, duct, stand-pipe, stream or well in any part of a river or other place vesting in the Corporation ;

(b) wash or cause to be washed in or near any such place or work, any animal, clothes or other article ;

(c) throw, put, or cause to enter into the water in any such place or work, any animal or other thing ;

(d) cause or suffer to drain into or upon any such place or work, or to be brought thereinto or thereupon, anything, or do anything whereby the water shall be in any degree fouled or corrupted ;

(e) dry clothes in or upon any such place ;

(f) in contravention of any prohibition made by the Commissioner under section 513 use any protion of a river or any place not vesting in the Corporation for any purpose mentioned in the said section ;

(g) contravene the provisions of any notice given by the Commissioner under section 513 for the use of

any such portion of a river or place for any such purpose.

Prohibition of corruption of water by steeping therein animal or other matter, etc.

515. No person shall—

(a) steep in any tank, reservoir, stream, well or ditch, any animal, vegetable or mineral matter likely to render the water thereof offensive or dangerous to health;

(b) whilst suffering from any contagious, infectious or loathsome disease, bathe on, in or near any bathing platform, lake, tank, reservoir, fountain, cistern, duct, stand-pipe, steam or well.

Regulation of factories, trades, etc.

Factory etc., not to be newly established without permission of Commissioner.

516. Subject to the Provisions of Factories Act, 1948 (LXIII of 1948), no person shall—

(i) newly establish in any premises,

(ii) remove from one place to another,

(iii) reopen or renew after discontinuance for a period of not les than three years, or

(iv) enarge or extend the area or dimensions of—

any factory, workshop or workplace in which it is intended to employ steam, water, electrical or other mechanical power or any bakery except with the previous written permission of the Commissioner nor shall any person work or allow to be worked any such factory, workshop, workplace or bakery without such permission:

Provided that for the purpose of clause (iii) no such permission shall be required if during the period of discontinuance the machinery has not been removed from the place where the factory, workshop or bakery was originally established.

Application for new factories.

517. (1) Every application for permission under section 516 shall be in writing and shall give such information and be accompanied by such plans as may be required under the bye-laws made in this behalf.

(2) The Commissioner may, as soon as may be after the receipt of the application—

(a) grant the permission applied for either absolutely or subject to such conditions as he thinks fit to impose, provided the location of such factory, workshop, workplace or bakery is not contrary to any requirement of this Act, bye-law, or standing order; or

(b) refuse to give such permission if he shall be of opinion that the establishment of such factory, workshop, workplace or bakery in the proposed position is objectionable by reason of the density of the population in the neighbourhood thereof, or will be for any reason a nuisance to the inhabitants of the neighbourhood.

(3 If any written permission for the establishment of a factory, workshop, workplace or bakery granted under sub-section (2) be revoked by the Commissioner in the exercise of his power under sub-section (3) of section 622 no person shall continue to resume the working or use of such factory, workshop, workplace or bakery until such written permission is renewed or a fresh written permission is granted by the Commissioner.

Furnaces used in trade or manufacture to consume their own smoke.

518. (1) No person shall—

(a) use or permit to be used any furnace employed for the purpose of any trade or manufacture, which does not, so far as practicable consume its own smoke ; or

(b) so negligently use or permit to be used any such furnace as that it shall not, as far as practicable, consume its own smoke.

(2) Nothing in this section shall be deemed to apply to a locomotive engine used for the purpose of traffic upon any railway or for the repair of streets.

Sanitary regulation of factories, etc.

519. (1) Whenever it shall appear to the Commissioner that any factory, workshop or workplace, or any building or place in which steam, water or other mechanical power is employed, is not kept in a clean state or is not ventilated in such a manner as to tender harmless, as far as practicable, any gas, vapour, dust or other impurity generated in the course of the work carried on therein, which is a nuisance, or is so overcrowded while work is carried on as to be dangerous or injurious to the health of the persons employed therein ; or that any engine, mill-gearing, hoist or other machinery therein is so fixed or so insecurely fenced as to be dangerous to life or limb ; the Commissioner may, by written notice, require the owner of such factory, workshop, workplace or other building or place to take such order for putting and maintaining the same, in cleanly state, or for ventilating the same, or for preventing the same from being over-

crowded or for preventing danger to life or limb from any engine, mill-gearing, hoist or other machinery therein, as he shall think fit.

(2) Nothing in this section shall be deemed to affect any provision of the Indian Boiler Act, 1923 (V of 1923), and nothing in this section which relates to the fixing or fencing of any engine, mill-gearing, hoist or other machinery shall apply on any factory to which the provisions of the Indian Factories Act, 1948 (LXIII of 1948), are applicable.

Prohibition of use of steam-whistle or steam trumpet without permission of the Commissioner.

520. (1) No person, shall without the written permission of the Commissioner, use or employ in any factory or any other place, any steam-whistle or steam-trumpet for the purpose of summoning or dismissing workmen or persons employed.

(2) The Comissioner may at any time revoke any permission which he has given for the use of any such instrument as aforesaid, on giving one month's notice to the person using the same.

(3) Provided that nothing in sub-section (2) shall be deemed to require one month's notice to be given by the Commissioner, if he suspends or revokes any such permission for any reason specified in sub-section (3) of section 622.

Certain things not to be kept and certain trades and operations not to be carried on, without a license.

521. (1) Except under and in conformity with the terms and conditions of a licence granted by the Commissioner no person shall—

(a) keep, in or upon any premises, for any purpose whatever;

(i) any article specified in Part I of Schedule P.

(ii) any article specified in Part II of Schedule P in excess of the quantity of such article which may at any one time be kept in or upon the same premises without a license;

(b) keep, in or upon any premises, for sale or for other than domestic use, any article specified in Part III of Schedule P;

(c) keep, in or upon any building intended for or used as a dwelling or within fifteen feet of such building, cotton, in pressed bales or boras or loose, in quantity exceeding four cwts.;

(d) keep or allow to be kept in or upon any premises, horses cattle or other four footed animals—

(i) for sale,

(ii) for letting out on hire,

(iii) for any purpose for which any charge is made or any remuneration is received, or

(iv) for sale of any produce thereof;

(e) carry on, or allow to be carried on, in or upon any premises—

(i) any of the trades or operations connected with trade specified in Part IV of Schedule P;

(ii) any trade or operation which in the opinion of the Commissioner is dangerous to life, health or property, or likely to create a nuisance either from its nature, or by reason of the manner in which, or the conditions under which, the same, is or is proposed to be carried on;

(f) carry on within the city or use any premises for the trade or operation of a farrier.

(2) A person shall be deemed to have known that a trade or operation is, in the opinion of the Commissioner, dangerous or likely to create a nuisance within the meaning of paragraph (ii) of clause (e) of sub-section (1), after written notice to that effect, signed by the Commissioner has been served on such person or affixed to the premises to which it relates.

(3) A person shall be deemed to carry on or to allow to be carried on a trade or operation within the meaning of paragraph (ii) of clause (e) of sub-section (1), if he does any act in furtherance of such trade or is in any way engaged or concerned therein whether as principal, agent, clerk, master, servant, workman, handicraftsman or otherwise.

(4) It shall be in the discretion of the Commissioner—

(a) to grant any license referred to in sub-section (1) to such restrictions or conditions, if any, as he shall think fit to impose, or

(b) to withhold any such license.

(5) Every person to whom a license is granted by the Commissioner under sub-section (3) shall keep such license in or upon the premises, if any, to which it relates.

(6) Nothing in this section shall be deemed to apply to mills for spinning or weaving cotton, wool, silk, or jute to any other large mill or factory which the Com-

missioner may, from time to time, with the approval of the Standing Committee specially exempt from the operation thereof.

Prohibition of corruption of water by chemicals, etc.

522. (1) No person engaged in any trade or manufacture specified in Part IV of Schedule P shall—

(a) wilfully cause or suffer to be brought or to flow into any lake, tank, reservoir, cistern, well, duct or other place for water belonging to the Corporation or into any drain or pipe communicating therewith, any washing or other substance produced in the course of any such trade or manufacture as aforesaid;

(b) wilfully do any act, connected with any such trade or manufacture as aforesaid, whereby the water in any such lake, tank, reservoir, cistern well, duct or other place of water is fouled or corrupted.

(2) The Commissioner may, after giving not less than twenty-four hours previous notice in writing to the owner or to the person who has the management or control of any works, pipes or conduits connected with any such manufacture or trade as aforesaid, lay open and examine the said works, pipes or conduits; and if upon such examination it appears that sub-section (1) has been contravened by reason of anything contained in or proceeding from the said works, pipes or conducts the expenses of such laying open and examination, and of any measure which the Commissioner shall in his discretion, require to be adopted for the discontinuance of the cause of such contravention, shall be paid by the the owner of the said works, pipes or conduits, or by the person who has the management or control thereof, or through whose neglect or fault the said sub-section has been contravened; but if it appears that there has been no contravention of the said sub-section, that said expenses, and the compensation for any damage occasioned by the said laying open and examination shall be paid by the Commissioner.

Inspection of premises used for Manufacture, etc.

523. (1) The Commissioner may at any time, by day or by night, without notice, enter into or upon any premises used for any of the purposes mentioned in section 521 and upon any premises in which a furnace is employed for the purpose of any trade or manufacture, and into any bake-house, in order to satisfy himself as to whether any provision of this Act or any bye-law made thereunder or any condition of any license granted under this Act is being contravened, and as to whether any nuisance is created upon such premises.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by the use of any force necessary for effecting such entry :

Provided that force shall not be used for effecting an entry, unless when there is reason to believe that an offence is being committed against some provision of this Act or some bye-law made under this Act.

Regulation of washing of clothes by washermen.

524. (1) The Commissioner may, by public notice, prohibit the washing of clothes by washermen in the exercise of their calling, except at such places as he shall appoint for this purpose ;

and when any such prohibition has been made, no person who is by calling a washerman shall wash clothes at any place not appointed for this purpose by the Commissioner, except for such person himself or for the owner or occupier of such place.

(2) The Commissioner shall provide suitable places for the exercise by washermen of their calling, and may require payment of such fees for the use of any such place as shall from time to time be determined by the Commissioner, with the approval of the Standing Committee.

Maintenance and Regulation of Market and Slaughter-Houses.

What to be deemed Municipal Markets and slaughter-houses.

525. All markets and slaughter-houses which belong to or are maintained by the Corporation shall be called 'municipal markets' or 'municipal slaughter-houses.' All other markets and slaughter-houses shall be deemed to be private.

Provisions of new municipal markets and slaughter-houses.

526. (1) The Commissioner, when authorised by the Corporation in this behalf, may construct, purchase or take on lease any building or land for the purpose of establishing a new municipal market or a new municipal slaughter-house or of extending or improving any existing municipal market or slaughter-house, and may from time to time build and maintain such municipal markets and slaughter-houses and such stalls, shops, sheds, pens and other buildings or conveniences for the use of the persons carrying on trade or business in, or frequenting, such municipal markets or slaughter-houses, and provide and maintain in such municipal markets such buildings, places, machines, weights, scales and measures for weighing and measuring goods sold therein as he shall think fit.

(2) Municipal slaughter-houses may be situate within or, with the sanction of the Government, without the City.

Closure and disposal of markets and Slaughter-Houses.

527. The Commissioner may where the Municipal market and Slaughter-Houses are situate within the city, with the sanction of the Corporation, and where it is situated without the city, with the sanction of the Government at any time, close such market or slaughter-house, and may dispose the premises so closed, subject to the sanction of the Corporation, where the property is of the Corporation.

Prohibition of sale in a municipal market without licence of the Commissioner.

528. (1) No person shall without licence from the Commissioner, sell or expose for sale any animal or article in any municipal market.

(2) It shall be lawful for the Commissioner, with the previous sanction of the Corporation by public notice from time to time, to prohibit within a distance of hundred yards of any municipal market the sale or exposure for sale of all or any of the commodities ordinarily sold in the said municipal market.

(3) Any notice issued under sub-section (2) may in like manner at any time be cancelled or modified by the Commissioner.

(4) Any person contravening this section may be summarily removed by the Commissioner or by any municipal officer or servant.

Opening of new private markets.

529. (1) The Corporation shall from time to time determine whether the establishment of new private markets shall be permitted in the City or in any specified portion of the city.

(2) No person shall establish a new private market for the sale of, or for the purpose of exposing for the sale of animals intended for human food, or any other article of human food, except, with the sanction of the Commissioner, who shall be guided in giving such sanction by the decisions of the Corporation at the time in force under sub-section (1). The owner or occupier of a place in which a private market is established shall, for the purposes of this sub-section, be deemed to have established such market.

(3) When the establishment of a new private market has been so sanctioned, the Commissioner shall cause a notice of such sanction to be affixed in such language or

languages as the Corporation may from time to time specify, on some conspicuous spot on or near the building or place where such market is to be held.

Private markets not to be kept or permitted to be kept open and no place to be used or permitted to be used as slaughter-house, without licence.

530. (1) No person shall without, or otherwise than in conformity with the terms of, a licence granted by the Commissioner in this behalf.—

(a) keep open or permit to be kept open a private market;

(b) use or permit to be used any public place in the City as a slaughter-house or for the slaughtering of any animal intended for human food;

(c) use or permit to be used any place without the City whether as a slaughter-house or otherwise, for the slaughtering of any animal intended for human food to be consumed in the City.

(2) The Commissioner shall not refuse, cancel or suspend any licence for keeping open a private market for any cause other than the failure of the owner thereof to comply with some provision of this Act, or with some regulation framed under section 533 or with some bye-law made under this Act, at the time in force and shall not cancel or suspend any such licence without the approval of the Standing Committee.

(3) The Commissioner may with the previous approval of the Standing Committee cancel or suspend, any licence for failure of the owner of a private market to give in accordance with the conditions of his licence a written receipt for any stallage rent, fee, or other payment received by him or his agent from any person for the occupation or use of any stall, shop, standing, shed, pen or other place therein.

(4) Nothing in this section shall be deemed to prevent the Commissioner from granting written permission for the slaughter of an animal in any public place that he thinks fit, on the occasion of any festival or ceremony or under special circumstances.

(5) When the Commissioner has refused, cancelled or suspended any licence to keep open a private market, he shall cause a notice of his having so done to be affixed in such language or languages as the Corporation may from time to time specify, on some conspicuous spot on or near the building or place where such market has been held.

Prohibition of sale in unauthorised private markets.

531. No person who knows that any private market has been established without the sanction of the Commissioner, or is kept open after a licence for keeping the same open has been refused, cancelled or suspended by the Commissioner, shall sell or expose for sale therein any animal or articles of food.

Provision for requiring private market building and slaughter-houses to be properly paved and drained.

532. The Commissioner may, by written notice, require the owner, farmer or occupier of any private market or slaughter-house to cause—

(a) the whole of any portions of the floor of the market-building, place or slaughter-house to be paved with dressed stone or other suitable material;

(b) such drains to be made in or from the market-building, market place or slaughter-house of such material, size and description, at such level and with such outfall, as to the Commissioner may appear necessary.

Regulations to be framed for markets and slaughter-houses.

533. The Commissioner may, with the approval of the Standing Committee, from time to time, make regulations, not inconsistent with any provision of this Act or of any bye-law made thereunder—

(a)for preventing nuisances or obstruction in any market building, market place or slaughter-house or in the approaches thereto;

(b) fixing the days and the hours on and during which any market or slaughter-house may be held or kept open for use;

(c) for keeping every market-building, market place and slaughter-house in a clean and proper state, and for removing filth and refuse therefrom;

(d) requiring that any market building, market place, or slaughter-house be properly ventilated and be provided with a sufficient supply of water;

(e) requiring that in market buildings, and market places, passages be provided between the stalls of sufficient width for the convenient use of the public.

Levy of Stallages, rents and fees in Municipal markets and slaughter-houses.

534. The Commissioner may—

(a) charge for the occupation or use of any stall, shop, standing, shed or pen in a municipal market or slaughter-house and for the right to expose goods for sale in a municipal market, and for weighing and measuring goods sold in any such market and for the right to slaughter animals in any municipal slaughter-

house such stallages, rents and fees as shall from time to time, be fixed by him, with the approval of the Standing Comittee, in this behalf; or

(b) with the approval of the Standing Committee, farm the stallages, rents and fees leviable as aforesaid or any portion thereof, for any period not exceeding one year at a time: or

(c) put up to public auction, or, with the approval of the Standing Committee, dispose of, by private sale the privilege of occupying or using any stall, shop, standing, shed or pen, in a municipal market or slaughter-house for such term and on such condition as he shall think fit to impose.

Removal of live cattle, sheep, goats or swine from any municipal slaughter-house, market or premises.

535. (1) No person shall, without the written permission of the Commissioner and without the payment of such fees as may be specified by him, remove any live cattle, sheep, goats or swine from any municipal slaughter-house or from any municipal market or premises used or intended to be used for or in connection with such slaughter-house:

Provided that such permission shall not be required for the removal of any animal which has not been sold within such slaughter-house, market or premises and which has not been within such slaughter-house, market or premises for a period longer than that specified under orders made by the Commissioner in this behalf, or which has in accordance with any bye-law made thereunder, been rejected as unfit for slaughter at such slaughter-house, market or premises.

(2) Any fee paid for permission under sub-section (1) in respect of any animal removed to a Panjarapole shall, subject to the regulations made by the Commissioner in this behalf, be refunded on the production of a certificate from the Panjarapole authorities that such animal has been received in their charge.

Regulations and table of stallage rents to be posted up in markets and slaughter-houses.

536. (1) A printed copy of the regulations and of the table of stallages, rents and fees, if any, in force in any market or slaughter-house under section 533, 534 and 535 in such language or languages which the Corporation may from time to time specify, shall be fixed in some conspicuous spot in the market building, market-place or slaughter-house.

(2) No person shall, without authority, destroy, pull down, injure or deface any copy of any regulation or table so affixed.

Power to expel persons contravening bye-laws or regulations.

537. The Commissioner may expel from any municipal market or slaughter-house any person, who or whose servant has been convicted for contravening any bye-laws made under this Act, or any regulation made under section 533, in such market or slaughter-house and may prevent such person, by himself or his servants from carrying on any trade or business in such market or slaughter-house or occupying any stall, standing, shed, pen or other place therein, and may determine any lease or tenure which such person may have in any such stall, shop, standing, shed, pen or place.

Sale of articles of food outside Markets.

Prohibition of sale of animals, etc., except in market.

538. Except as hereinafter provided, no person, shall without a licence from the Commissioner, sell or expose for sale any four-footed animal or any meat or fish intended for human food, in any place other than a municipal or private market:

Provided that nothing in sub-section (1) shall apply to fresh fish sold from, or exposed, for sale in, a vessel in which it has been brought direct after being caught at a river or lake.

Licensing of Butchers.

Butchers and persons who sell the flesh of animals to be licenced.

539. No person shall without, or otherwise than in conformity with the terms of a license granted by the Commissioner in this behalf—

(a) carry on within the City, or at any municipal slaughter-house the trade of a butcher;

(b) use any place in the City for the sale of the flesh of any animal intended for human food, or any place without the city for the sale of such flesh for consumption in the city.

Prohibition of import of cattle, etc., into the city without permission.

540. (1) No person shall without the written permission of the Commissioner bring into the city any cattle, sheep, goats or swine intended for human food, or the flesh of any such animal which has been slaughtered at any slaughter-house or place not maintained or licensed under this Act.

(2) Any Police Officer may arrest without warrant any person bringing into the City any animal or flesh in contravention of sub-section (1).

(3) Any animal brought into the city in contravention of this section may be seized by the Commissioner or by any municipal officer or servant and any flesh brought into the city in contravention of this section may be seized by the Commissioner or by any municipal officer or servant or by any Police Officer or in or upon Railway premises by any Railway servant and any animal or flesh so seized may be sold or otherwise disposed of as the Commissioner shall direct. The proceeds, if any, shall belong to the Corporation.

(4) Nothing in this section shall be deemed to apply to cured or preserved meat.

Inspection of places of sale, etc.

Commissioner may enter any place where slaughter of animals or sale of flesh contrary to the provisions of this Act, is suspended.

541. (1) If the Commissioner shall have reason to believe that any animal intended for human food is being slaughtered, or that the flesh of any such animal is being sold or exposed for sale, in any place or manner not duly authorised under the provision of this Act, the Commissioner, may at any time, by day or by night, without notice, enter such place for the purpose of satisfying himself as to whether any provision of this Act or of any bye-law made thereunder is being contravened thereat.

(2) No claim shall lie against any person for compensation for any damage necessarily caused by any such entry or by use of any force necessary for effecting such entry.

Commissioner to provide for inspection of articles exposed for sale for human food.

542. It shall be the duty of the Commissioner to make provision for the constant and vigilant inspection of animals, carcases, meat, poultry, game, flesh, fish, fruit, vegetables, corn, bread, flour, dairy produce and any other article exposed or hawked about for sale or deposited in or brought to any place for the purpose of sale or for preparation for sale and intended for human food or for medicine resting with the party charged.

Unwholesome articles, etc., to be seized.

543. (1) The Commissioner may at all reasonable times inspect and examine any such animal or article as aforesaid and any utensil or vessel used for preparing, manufacturing or containing the same.

(2) If any such animal or article appears to the Commissioner to be diseased or unsound or unwholesome or unfit for human consumption, as the case may be, or is not what it is represented to be, or if any such utensil or vessel is of such kind or in such state as to render any

article prepared, manufactured or contained therein unwhole some or unfit for human consumption, he may seize and carry away such animal, article utensil or vessel, in order that the same may be dealt with as hereinafter provided and he may arrest and take to the nearest police station any person in charge of any such animal or article.

Disposal of perishable articles seized under section 543.

544. If any meat, flesh, vegetable or other article of a perishable nature be seized under section 543 and the same is, in the opinion of the Commissioner diseased, unsound, unwholesome or unfit for human consumption, as the case may be, the Commissioner shall cause the same to be forthwith destroyed in such manner as to prevent its being again exposed for sale or used for human consumption and the expenses thereof shall be paid by the person in whose possession such article was at the time of its seizure.

Disposal of animals and articles of a non-perishable nature seized under section 543.

545. (1) Any animal and any article not of a perishable nature and any utensil or vessel seized under section 543 shall be forthwith taken before a Magistrate.

(2) If it shall appear to such Magistrate that any such animal or article is diseased, unsound or unwholesome, or unfit for human food, or for medicine, as the case may be, or is not what it was represented to be or that such utensil or vessel of such kind or in such state as aforesaid, he may, and if it is diseased, unsound, unwholesome or unfit for human food and unfit for medicine, he shall cause the same to be destroyed at the charge of the person in whose possession it was at the same time of its seizure in such manner as to prevent the same being again exposed or hawked about for sale or used for human food or for medicine, or for the preparation or manufacture of, or food containing, any such article as aforesaid.

Penalty for possessing food which appears to be diseased, unsound or un-wholesome or unfit for human food.

546. In every case in which food, on being dealt with under section 545, appears to the Magistrate to be diseased, unsound or unwholesome or unfit for human food, the owner thereof or the person in whose possession it was found not being merely bailee or carrier thereof, shall, if in any such case the provisions of section 273 of the Indian Penal Code do not apply, be punished with fine which may extend to rupees five hundred.

Applications for summon to be refused if not applied for within specified time.

547. In all prosecutions under section 546 the Magistrate shall refuse to issue summons for the attendance of any person accused of an offence against such section, unless the summons is applied for within a specified time from the alleged date of the offence of which such person is accused.

Saving of Hyderabad Slaughter of Animals Act, 1950.

548. Nothing in this Chapter shall be deemed to affect in any manner the operation of the provisions of the Hyderabad Slaughter of Animals Act, 1950.

Prevention of spread of infectious diseases.

Information to be given of the existence of infectious disease or continuous pyrexia of unknown origin.

549. Every medical practitioner who treats or becomes cognizant of the existance of any infectious disease or any case of continuous pyrexia of unknown origin of more than four days duration in any private or public dwelling, other than a public hospital, shall give information of the same with the least practicable delay to the medical officer of health. The said information shall be communicated in such form and with such details as the said medical officer of health with the consent of the Commissioner, may from time to time require.

Any place may at any time be inspected for purpose of preventing spread of infectious disease.

550. The Commissioner may at any time, by day or by night without notice or after giving such notice of his intention as shall, in the circumstances appear, to him to be reasonable, inspect any place in which any infectious disease is reputed or suspected to exist and take such measures as he shall think fit to prevent the spread of the said disease beyond such place.

Prohibition of use of drinking of water likely to cause infectious disease.

551. (1) If it shall appear to the Commissioner that the water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water for the purpose of drinking.

(2) No person shall remove or use for the purpose of drinking any water in respect of which public notice has been issued.

Commissioner may order removal of patients to hospital.

552. (1) The Commissioner or any police officer empowered by him in this behalf may, on a certificate signed by the executive health officer or by any duly qualified Medical Practitioner direct or cause the removal of any person who is, in the opinion of such medical officer of health or other Medical Practitioner, without pro-

per lodging or accommodation or who is lodged in a building occupied by more than one family, and who is suffering from infectious disease, to any hospital or place at which patients suffering from the said disease are received for medical treatment.

(2) The person, if any, who has charge of a person in respect of whom an order is made under sub-section (1) shall obey such order.

(3) No person who is removed to a hospital or place under sub-section (1) shall leave, or be removed from such hospital or place except with the permission of the officer in-charge thereof.

Power to order detention in hospital of infected person without proper lodging to return to.

553. (1) Where a magistrate, not being a magistrate of the 3rd class, is satisfied, on the application of the Medical Officer of Health that the inmate of a public hospital who is suffering from an infectious disease would not, on leaving the hospital be provided with lodging or accommodation in which proper precautions could be taken to prevent the spread of the disease by him, the magistrate may order him to be detained in the hospital at the cost of the Corporation.

(2) An order made under sub-section (1) may direct detention for a period specified in the order, but the magistrate may extend a period so specified as often as it appears to him to be necessary so to do.

(3) Any person who leaves a hospital contrary to an order under sub-section (1) may, in addition to any penalty which may be imposed for such contravention, be ordered by the Court to be taken back to the hospital.

(4) An order under this rule may be directed, in the case of an order for a person's detention, to the officer in charge of the hospital and, in the case of an order made under sub-section (3) to the Medical Officer of Health and the Officer in-charge of the hospital or institution and the Medical Officer of Health may do, or authorise, all acts necessary for giving effect to the order.

Disinfection of buildings, etc.

554. (1) If the Commissioner is of opinion that the cleansing or disinfecting of a building, or of part of a building, or of any articles therein likely to retain infection, would tend to prevent or check the spread of any infectious disease he may, by written notice, require the owner or occupier of such building to clean or disinfect such building or part thereof or article therein, and if it shall appear to the Commissioner necessary, to vacate

the said building for such time as shall be prescribed in the said notice :

(2) Provided that, if in the opinion of the Commissioner the owner or occupier is from poverty or other cause unable effectually to comply with such requisition, the Commissioner may cause the building or part of the building or article likely to retain infection to be cleansor disinfected and defray the cost of so doing.

Destruction of huts and sheds, when necessary.

555. (1) If the Commissioner is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any infectious disease, he may, after giving to the owner or occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Compensation may be paid by the Commissioner, with the approval of the Standing Committee to any person who sustains substantial loss by the destruction of any such hut or shed; but, except as so allowed by the Commissioner, no claim for compensation shall lie for any loss or damage caused by the exercise of the power conferred by this section.

Place for disinfection may be provided.

556. (1) The Commissioner may provide a place, with all necessary apparatus and attendance, for the disinfection of clothing, bedding or other articles which have become infected and in his discretion may have articles brought to such place for disinfection, disinfected on payment of such fees as he shall from time to time fix, with the approval of the Standing Committee in this behalf, or, in any case in which he thinks fit, free of charge.

(2) The Commissioner may, from time to time, by public notice, appoint a place at which clohting, bedding or other articles which have been exposed to infection from any infectious disease may be washed; and no person shall wash any such article at any place not so appointed without having previously disinfected the same.

(3) The Commissioner may direct the disinfection or destruction of bedding, clothing or other articles likely to retain infection.

(4) The Commissioner may, in his discretion, give compensation for any article destroyed under sub-section (3).

Person suffering from infectious disease not to enter a public conveyance without notifying the same.

557. (1) No person who is suffering from infectious disease shall enter a public conveyance without previously notifying to the owner, driver or person in charge of such conveyance that he is so suffering.

(2) Notwithstanding anything contained in any Act relating to public conveyances for the time being in force, no owner or driver or person in charge of a public conveyance shall be bound to carry any person suffering as aforesaid in such conveyance unless payment or tender of sufficient compensation, for the loss and expenses he must incur in disinfecting such conveyance, is first of all made to him.

Provision of carriages for conveyance of patients.

558. The Commissioner with the sanction of the Corporation, may provide and maintain suitable conveyances for the free carriage of persons suffering from any infectious disease; and when such conveyances have been provided, it shall not be lawful to convey any such person by any other public conveyance.

Provision as to carriage of persons suffering from infectious disease in public conveyances.

559. (1) No person who is suffering from an infectious disease shall—

(a) without proper precautions against spreading such disease, cause or suffer himself to be carried in a public conveyance;

(b) cause or suffer himself to be carried in a public conveyance contrary to the provisions of the last preceding section.

(2) No person shall go in company with, or take charge of, any person suffering as aforesaid, who causes or permits himself to be carried in a public conveyance in contravention of sub-section (1).

(3) No owner or driver or person in charge of a public conveyance shall knowingly carry or permit to be carried in such coveyance any person suffering as aforesaid in contravention of the said sub-section.

Public conveyance which has carried a person suffering from infectious disease to be disinfected.

560. The owner, driver or person incharge of a public conveyance in which any person suffering as aforesaid has been carried shall immediately provide for the disinfection of the same.

Duty of owner, etc., of public, conveyance in regard to cases of infectious disease.

561. (1) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares, shal not convey therein a person whom he knows to be suffering from an infectious disease.

(2) The owner or driver of any other public conveyance, notwithstanding that no notice has been issued by the Commissioner under section 558, may refuse to convey therein any person suffering from an infectious disease until he has been paid a sum sufficient to cover any loss and expense which will be incurred by him in connection with the disinfection of the conveyance.

(3) If a person suffering from an infectious disease is conveyed in a public conveyance, the person incharge thereof shall as soon as practicable and before permitting any other person to enter the conveyance cause the conveyance to be disinfected.

Infected articles, not to be transmitted, etc., without previous disinfection.

562. (1) No person shall, without disinfection of the same, give, lend, sell, transmit or otherwise dispose of any article which he knows or has reason to know has been exposed to infection from any infectious disease.

(2) Nothing in this section shall be deemed to apply to a person who transmits with proper precautions, any such articles, for the purpose of having the same disinfected.

Infected building not to be let without being first disinfected.

563. (1) No person shall let a building or any part of a building, in which he knows or has reason to know that a person has been sufferig from infectious disease, without first having such building or part thereof and every article therein likely to retain infection disinfected, to the satisfaction of the medical officer or health officer or of some duly qualified medical practioner, as testified by such officer's or Medical practitioner's certificate.

(2) For the purpose of this section, keeper of a hotel or inn shall be deemed to let part of his building to any person accommodated in such hotel or inn.

Closure of lodging and eating houses.

564. The Commissioner may on being satisfied that it is in the public interest so to do, by written orders direct that any lodging house or any place where articles of food and drink are sold or prepared, stored or exposed for sale being a lodging house or place in which a case of an infectious disease exists or has recently occurred shall be closed for such period as may be specified in the order:

Provided that such lodging house or place may be declared to be open if the Medical Officer of Health certifies that it has been disinfected or is free from infection.

Special Sanitary Measures.

Commissioner may take special measures on outbreak of any infectious disease.

565. (1) In the event of the city being at any time visited or threatened with an outbreak of any infectious disease, or in the event of any infectious disease breaking out or being likely to be introduced into the city amongst cattle, including under this expression sheep and goats, the Commissioner if he thinks the ordinary provisions of this Act and the rules thereunder or of any other law for the time being in force are insufficient for the purpose, may with the sanction of the Government—

(a) take such special measures, and

(b) by public notice make such temporary orders to be observed by the public or by any person or class of persons, as one specified therein and as he shall deem necessary to prevent the outbreak of such disease or the spread thereof.

(2) The Commissioner shall forthwith report to the Corporation any measures taken and any orders made by him under sub-section (1).

Disposal of the dead.

Places for disposal of dead to be registered.

566. (1) Every owner or person having the control of any place already used for burying, cremating or otherwise disposing of the dead, shall apply to the Commissioner within a period of six months from the coming into force of this Act to register the same and the Commissioner shall cause the same to be registered.

(2) Such application shall be accompanied by a plan, bearing the signature of a licensed surveyor in token of its having been prepared by or under the supervision of such surveyor of the place to be registered, showing the locality, boundaries and extent of the same. The application shall also contain information as regards the name of the owner or person or community interested therein, the system of management and such further particulars as the Commissioner may require.

(3) The Commissioner may, on receipt of such application and plan, register the said place in a register which shall be kept for this purpose.

(4) The Commissioner shall cause to be deposited in the chief municipal office at the time of registration the plan referred to in sub-section (2).

(5) If the Commissioner is not satisfied with the plan or statement or particulars, he may refuse or postpone registration, until his objections have been removed.

(6) Every place vesting in the Corporation used for burying, cremating or otherwise disposing of the dead shall be registered in the register kept under sub-section (3), and a plan showing the locality, extent and boundaries thereof and bearing the signature of the City Engineer shall be deposited in the chief municipal office.

Provision of new places for disposal of dead.

567. (1) If the existing places for the disposal of the dead shall at any time appear to be insufficient or if any place is closed under the provisions of section 570 the Commissioner shall, with the sanction of the Corporation, provide other fit and convenient places for the said purpose, either within or without the city and shall cause the same to be rgeistered in the register kept under section 566 and shall deposit in the municipal office, at the time of registration of each place so provided, a plan thereof showing the locality, extent and boundaries of the same and bearing the signature of the City Engineer.

(2) All the provisions of this Act and the rules and bye-laws made thereunder shall apply to any place provided under sub-section (1) without the city and vesting in the Corporation as if such place were situate within the city.

New places for disposal of dead not to be opened without permission of Commissioner.

568. No place which has never previously been lawfully used as a place for the disposal of the dead and registered as such shall be opened by any person for the said purpose without the written permission of the Commissioner who, with the approval of the Corporation, may grant or withhold such permission.

Government may direct closing of place for disposal of dead.

569. (1) If, from information furnished by competent persons and after personal inspection, the Commissioner shall at any time be of opinion,

(a) that any place of public worship, is or is likely to become injurious to health by reason of the state of the vaults or graves within the walls of or underneath the same, or in any churchyard or burial ground adjacent thereto, or,

(b) that any other place used for the disposal of the dead is in such a state as to be or to be likely to become injurious to health or is otherwise no longer suitable for such use, he may submit his said opinion with the reason therefor, to the Corporation, which shall forward the same, with its opinion, for the consideration of the Government.

(2) Upon receipt of such opinion, the Government after such further enquiry, if any, as it shall deem fit to cause to be made, may, by notification published in the Official Gazette and in the local newspapers, direct that such place of public worship or other place for the disposal of the dead be no longer used for the disposal of the dead. Every order so made shall be noted, in the register kept under section 566.

(3) On the expiration of two months from the date of any such order of the Government, the place to which the same relates shall be closed for the disposal of the dead.

(4) A copy of the said notification, with a translation thereof in such language, or languages, as the Corporation may, from time to time, specify, shall be affixed on a conspicuous spot on or near the place to which the same relates, unless such place be a place of public worship.

Government may sanction reopening of places which have been closed for disposal of dead.

570. (1) If, after personal inspection, the Commissioner shall at any time be of opinion that any place formerly used for the disposal of the dead, which has been closed under the provisions of section 569 or under any other law or authority, has by lapse of time become no longer injurious to health, and may without inconvenience, or risk of danger be again used for the said purpose, he may submit his said opinion with the reasons therefor to the Corporation, which shall forward the same with its opinion for the consideration of the Government.

(2) Upon receipt of such opinion, the Government after such further inquiry, if any, as it shall deem fit to cause to be made, may by notification published as provided in section 569 direct that such place be reopened for the disposal of the dead. Every order so made shall be noted in the register kept under section 566.

Burials within places of worship and exhumation not to be made without permission of Commissioner.

571. (1) No person shall, without the written permission of the Commissioner under sub-section (2)—

(a) make any vault or grave or interment within any wall, or underneath any passage, porch, portico, plinth or verandah of any place of worship;

(b) make any interment or otherwise dispose of any corpse in any place which is closed for the disposal of the dead under section 569;

(c) build, dig, or cause to be built or dug any grave, or vault, or in any way dispose of, or suffer or permit to be disposed of, any corpse at any place which is not registered in the register kept under section 566;

(d) exhume any body, except under the provisions of the Code of Criminal Procedure or any other law for the time being in force, from any place for the disposal of the dead.

(2) The Commissioner may in special cases grant permission for any of the purposes aforesaid subject to such general or special orders as the Government may, from time to time, make in this behalf.

(3) An offence against this section shall be deemed to be a cognizable offence within the meaning of sections 149, 150 and 151 of the Code of Criminal Procedure, 1898.

Acts prohibited in connection with disposal of dead.

572. No person shall—

(a) retain a corpse on any premises, without cremating, burying or otherwise lawfully disposing of the same, for so long a time after death as to create a nuisance;

(b) carry a corpse or part of a corpse along any street without having and keeping the same decently covered or without taking such precautions to prevent risk of infection or injury to the public health as the Commissioner may, by public notice, from time to time, think fit to require;

(c) except when no other route is available carry a corpse or part of a corpse along any street which is for the carrying corpses prohibited by a public notice issued by the Commissioner in this behalf;

(d) remove a corpse or part of a corpse, which has been kept or used for purposes of dissection, otherwise than in a closed receptacle or vehicle;

(e) whilst conveying a corpse or part of a corpse place or leave the same on or near any street, without urgent necessity;

(f) bury or cause to be buried any corpse or part of a corpse in a grave or vault or otherwise in such manner that the surface of the coffin, or, when no coffin is used, of the corpse or part of the corpse shall be at a less depth than six feet from the surface of the ground;

(g) build or dig, or cause to be built or dug, any grave or vault in any burial ground in any line not marked out for this purpose by or under the order of the Commissioner;

(h) build or dig, or cause to be built or dug, any grave or vault in any burrial ground at a less distance than two feet from the margin of any other grave or vault;

(i) without the written permission of the Commissioner, reopen for the interment of a corpse or of any part of a corpse, a grave or vault already occupied;

(j) after bringing or causing to be brought to a crematorium any corpse or part of a corpse fail to cremate or cause the same to be cremated within six hours from the time of the arrival thereof at such ground;

(k) when cremating or causing to be cremated any corpse or part of a corpse, permit the same or any portion thereof to remain without being completely reduced to ashes or permit any cloth or other article used for the conveyance or cremating of such corpse or part of a corpse to be removed or to remain on or near the place of cremation without its being completely reduced to ashes.

CHAPTER XV.

VITAL STATISTICS.

Registration of Births and Deaths.

Apointment of Registrars.

573. For the purpose of registering births and deaths, the Commissioner shall, from time to time divide the city into as many wards as he shall think fit; and a municipal officer shall be registrar of births and deaths of each such ward or group of wards.

Registrars to reside in their respective wards.

564. (1) Every registrar shall reside within the ward of which he is register and shall cause his name, together with the words "Registrar of Births and Deaths

for the Ward of . ." to be affixed in some conspicious place at or near the outer door of this place of abode.

(2) A list showing the name and place of abode of every registrar in the city shall be kept at the Chief Municipal Office and shall be open at all reasonable times to public inspection free of charge.

Register books to be supplied.

575. The Commissioner shall provide and supply to the registrars a sufficient number of register books of births and of register books of deaths for the registration of the particulars specified in Schedules Q and R, respectively and the pages of each of the said books shall be numbered progressively from the beginning to the end thereof.

Registrars to inform themselves of all births and deaths.

576. (1) Each registrar shall inform himself carefully of every birth and death which shall happen in his ward and of the particulars concerning the same required to be registered according to the forms in the said schedules, and shall, as soon after each such birth or death as conveniently may be, register the same in the book supplied for this purpose by the Commissioner, without making any charge or demanding or receiving any fee or reward for so doing other than his remuneration as a municipal officer.

(2) Other municipal officers, besides the registrars, may be appointed, with the duty of informing themselves of every birth or of every death or of every birth and every death in the ward to which they are respectively appointed and of the particulars concerning the same required to be registered, and of submitting such information to the registrar to the said ward or to such other person as the Commissioner directs.

information of birth to be given within seven days.

577. It shall be the duty of the father and mother of every child born in the city and in default of the father and mother, of the occupier of the premises in which to his knowledge the child is born, and of each person present at the birth and of the person having charge of the child, to give, to the best of his knowledge and belief, to the registrar or other municipal officer appointed under section 576, within seven days after such birth information of the particulars required to be reigstered concerning such birth :

Provided that, in the case of an illegitimate child, no person shall, as father of such child, be required to give

information under this Act concerning the birth of such child and the registrar shall not enter in the register the name of any person, as father of such child, unless at the joint request of the mother and of the person acknowledging himself to be the father of such child, and such person shall in such case sign the register together with the mother.

Information respecting finding of new-born child to be given.

578. In case any new-born child is found exposed, it shall be the duty of any person finding such child and of any person in whose charge such child may be placed to give, to the best of his knowledge and belief, to the registrar or other municipal officer aforesaid, within seven days after the finding of such child, such information of the particulars required to be registered concerning the birth of such child as the informant possesses.

Officers to be appointed to receive information of deaths at places for disposal of dead.

579. (1) For evry place for the disposal of the dead registered in the register kept under section 566 a municipal officer shall be appointed, whose duty it shall be to receive information of the particulars required to be registered concerning the death of every person whose corpse is disposed of at such place.

(2) If the Commissioner shall not think fit to require the municipal officer so appointed to be in constant attendance at any place for the disposal of the dead for which he is so appointed, there shall be affixed to a conspicuous part of the entrance to such place a notice specifying the name of the officer so appointed for the said place and the address where he may be found.

Infomation of death to be given at the time when the corpse of the deceased is disposed of.

580. (1) It shall be the duty of the nearest relatives of any person dying in the city present at the death, or in attendance during the last illness of the deceased and, in default of such relatives, of such person present at the death, and of the occupier of the premises in which, to his knowledge, the death took place, and, in default of the persons hereinbefore in this section mentioned, of each inmate of such premises, and of the undertaker or other person causing the corpse of the deceased person to be disposed of, to give, to the best of his knowledge and belief, to the officer appointed under the last preceding section, information of the particulars required to be registered concerning such death.

(2) The said information shall be given at or about the time that the corpse of the deceased person is dispos-

ed of, and it shall be given in writing if the informant can write, and otherwise orally and the informant shall make known to the officer aforesaid his name, designation and place of abode, and shall attest the correctness of the information which he gives, to the best of his knowledge and belief, by his signature or mark.

Medical Practitioner who attended a deceased person to certify the cause of his death.

581. Where a duly qualified medical practitioner attends an ill person up to the time of his death, the said practitioner shall, within three days of such person's death sign and forward to the Commissioenr a certificate of the cause of such person's death, in the form of Schedule S or in such other from as shall from time to time be determined by the Commissioner in this behalf, and the cause of the death as stated in such certificate shall be entered in the register, togethr with the name of the certifying medical practitioner.

(2) The Commissioner shall provide printed forms of the said certificates and any duly qualified medical practitioner resident in the City shall be supplied, on application, with such forms, free of charge.

Preparation of register books of deaths and mortality returns, etc.

582. (1) The information concerning deaths received by every officer appointed under section 579 be entered by him in a register-sheet, which shall contain the particulars specified in Schedule R and shall beforwarded, at such intervals as shall be determined by the Commisioner, through the registrar of the ward, to the Chief Municipal Office.

(2) From the said register-sheets and from the certificates furnished to him under section 581 the Commissioner shall cause the register-books of deaths to be prepared and shall have prepared and published such tabular returns and statements as shall appear to him to be useful for sanitary or other purposes.

Correction of errors in registers of births or deaths.

583. (1) Any clerical error which may at any time be discovered in a register of births or in a register of deaths may be corrected by any person authorised in that behalf by the Commissioner.

(2) An error of fact or substance in any such register may be corrected by any person authorised as aforesaid by entry in the margin, without any alteration of the original entry, upon production to the Commissioner, by the person requiring such error to be corrected, of a declaration on oath setting-forth the nature of the error

and the true facts of the case, made before a Magistrate by two persons required by this Act to give information concerning the birth or death with reference to which the error has been made or in default of such persons, by two credible persons having knowledge of the case, and certified by such Magistrate to have been made in his presence.

(3) Except as aforesaid no alteration shall be made in any such register.

Registration of name of child or of alteration of name.

584. (1) When the birth of any child has been registered and the name, if any, by which it was registered is altered or, if it was registered without a name, when a name is given to it, the parent or guardian of such child or other person procuring such name to be altered or given may, within twelve months next after the registration of the birth, deliver to the registrar, such certificate as hereinafter mentioned, and registrar, upon the receipt of that certificate shall without any erasure of the original entry, forthwith enter in the register-book the name mentioned in the certificate as having been given to the child.

(2) The certificate shall be in the form of Schedule T, or as near thereto as circumstances admit, and, in the case of Christian, shall be signed by the minister or person who performed the rite of baptism upon which the name was given or altered, or, if the child is not baptismed or is not a Christian, shall be signed by the father, mother or grandian of the child or other person procuring the name of the child to be given or altered.

(3) Every minister or person who performs the rite of baptism shall deliver the certificate required by this section on demand on payment of a fee not exceeding one rupee.

CHAPTER XVI.

RULES & BYE-LAWS.

General provision regarding rules.

585. (1) All rules in respect of matters prescribed in this Act shall be made by the Government.

(2) In addition to any power, specially conferred by this Act, Government may make rules for the purpose of carrying into effect all or any provisions of this Act.

(3) All rules made under sub-sections (1) and (2) shall be subject to the condition of previous publication and shall be laid before the Legislative Assembly.

(4) In making any such rules the Government may direct that a breach thereof shall be punishable with a fine which may extend to rupees five hundred and if the breach is a continuing one a further fine which might extend to rupees twenty for every day after the first day during which the breach has been made.

Bye-laws for what purposes to be made.

586. The Corporation may from time to time make bye-laws not inconsistent with this Act with respect to the following :—

(1) any matter relating to the proceedings of the Corporation, a committee or a sub-committee, the holding and regulation of meetings, the conduct of debate, the inspection of minute-books and the supply of copies of minutes to councillors or other persons on payment of fees or otherwise ;

(2) regulating in any particular not specifically provided for in this Act the construction, maintenance, protectings flushing, cleansing and control of drains, ventilation shafts or pipes, cesspools, water-closets, privies, latrines, urinals, washing places, drainage works of every description, whether belonging to or vesting in the Corporation or other persons, municipal water-works, private communication pipes, private streets and public streets ;

(3) regulating all matters and things connected with the supply and use of water ;

(4) furnishing information and documents to be in connection with the lay out of lands for building and private streets ;

(5) regulating the maintenance, supervision and use of public and private cart stands and the levy of fees for the use of such of them as belong to the Corporation ;

(6) specifying the forms of notice under section 428 and 433 the information, documents and plans to be furnished therewith in respect of different clauses of structures or works, the manner in which and the persons by whom notices shall be signed and the manner in which plans, descriptions, structural drawing or structural calculations shall be drawn, prepared and signed ;

(7) regulating the manner in which, the supervision under which, the agency through which and the conditions and restrictions under which the work of erecting or re-erecting buildings of particular classes and any work such as is described in section 433 shall be carried out ;

(8) the structure of walls, foundations, roofs and chimneys, the number, width and position of staircases, the width of corridors and passages, the material dimensions and strength of floors and staircases and of all scantlings, girders, posts and columns of buildings, for securing stability and the prevention of fires and the safety of the inmates in the event of fire and for purposes of health either generally or with reference to the type of the structure and the use to which it is intended to be put;

(9) the construction of scaffolding for building operations to secure the safety of the operatives and of the general public;

(10) the provision and maintenance of sufficient open space, either external or internal, about buildings to secure a free circulation of air, and of other means for the adequate ventilation of buildings;

(11) the provision and maintenance of suitable means of access to buildings and preventing encroachment thereon;

(12) the provision and maintenance of house-gullies and service passages;

(13) regulating the conditions on which frame buildings may be constructed;

(14) regulating the use of land as building sites and prescribing the minimum size of such sites either generally or for specified areas and prescribed set-backs from the street margin for all or particular classes of buildings on specified streets or classes or streets or in specified localities;

(15) regulating the height of structures generally or with reference to the materials of which they are constructed or the width of the streets on which they front or the areas in which they are situated or the purposes for which they are intended to be used;

(16) regulating the number and height above the ground or above the next lower storey of the storeys of which a building may consist;

(17) specifying the form of the completion certificate required under section 455 and the manner in which and the person by whom it shall be signed and subscribed;

(18) regulating the intervals at which, the manner in which and the persons by whom buildings shall be periodically inspected under section 460;

(19) regulating the management, maintenance, control and use of dwellings intended for the poorer sections of the community vesting in the Corporation;

(20) specifying the qualifications and experience of licensed surveyors, architects, engineers, structural designers and plumbers;

(21) regulating in any particular not specifically provided for this Act conservancy and sanitation, the destruction of rodents and other vermin, preventive and remedial measures against mosquitoes, flies and other insect and pests;

(22) the control and supervision of all premises used for any of the purposes mentioned in section 521 and of all trades and manufactures carried on therein and the regulating of the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of any such premises;

(23) the inspection of milch-cattle, and regulating the construction, dimensions, ventilation, lighting, cleansing, drainage and water supply of cattle sheds and dairies;

(24) securing the cleanlines of milk-stores, milk-shops and milk-vessels used by dairymen or milk sellers for containing milk;

(25) regulating the sale of milk in the City; the protection of milk against contamination and the prevention of the sale of contaminated milk;

(26) requiring notice to be given whenever any milch animal is affected with any contagious disease and determining the precautionary measure to be taken for protecting milch-cattle and milk against infection or contamination;

(27) regulating the measures to be taken in the event of the outbreak of any disease among animals which is communicable to man and the supply of information to facilitate the taking of such measures;

(28) securing the efficient inspection of markets and slaughter-houses and of shops in which articles intended for human food are kept or sold;

(29) the control and supervision of butchers carrying on business within the city or at a municipal slaughter-house without the city;

(30) regulating the use of any municipal market building, market place or slaughter-house or any part thereof;

(31) controlling and regulating the sanitary condition of markets and slaughter-houses and preventing the commission of cruelty to animals therein;

(32) the licensing of hand-carts, other than those exempted from taxation under section 240 and the seizure and detention of any such hand-carts that have not been duly licensed;

(33) requiring notice to be given of the occurrence of cases of any infectious, epidemic or endemic disease, not being a dangerous disease, and determining the precautionary measures to be taken by persons suffering from or exposed to infection from, any such disease;

(34) regulating the disposal of the dead and the maintenance of all places for the disposal of the dead in good order and in a safe sanitary condition, due regard being had to the religious usages of the several classes of the community;

(35) regulating the use of any place for the skinning and cutting up of the carcasses of animals;

(36) facilitating and securing complete and accurate registration of births and deaths;

(37) securing the protection of public parks, gardens, public parking places and open spaces vested in or under the control of the Corporation from injury or misuse, regulating their management and the manner in which they may be used by the public and providing for the proper behaviour of persons in them;

(38) regulating the use of barbed wire or other material for the fencing of land or premises abutting on any street, pathway or place which the public are entitled to use or frequent;

(39) regulating trade in rags, bones, or second-hand clothing, bedding or other similar articles, including measures for disinfecting on import or before removal, sale or exposure for sale or use in any manufacturing process of any such article;

(40) regulating the holding of fairs and industrial exhibitions in the city;

(41) regulating and prohibiting the stocking of inflammable materials and the lighting of fires in any specified portion of the City;

(42) regulating the charges for services rendered by any municipal authority;

(43) regulating admission to, and use by members of the public of municipal hospitals, dispensaries, infirmaries, homes and similar institutions and the levy of fees therein ;

(44) the protection of the property of the Corporation ;

(45) regulating the inspection by members of the public of municipal records and the fees to be charged before such inspection is allowed ;

(46) regulating the grant of certified copies or extracts from municipal records, and the fees chargeable for such copies or extracts ;

(47) regulating the appointment by owners of buildings or lands in the City who are not resident therein, of agents residing in, or near the City to act for such owners for all or any of the purposes of this Act or the rules, or bye-laws made thereunder, and

(48) carrying out generally the provisions and intentions of this Act.

Commissioner to lay draft bye-laws before the Corporation for its consideration.

587. It shall be the duty of the Commissioner either **suo moto** or at the instance of the Standing Committee from time to time to lay before the Corporation for its consideration a draft of any bye-law which he shall think necessary or desirable to be made for the furtherance of any purpose of this Act.

Hearing by Corporation of objections to proposed bye-laws.

588. (1) No bye-law shall finally approved by the Corporation, unless notice of the intention of the Corporation to take the same into their consideration has been given by advertisement in the Official Gazette and in the local newspapers six weeks at least before the day of the meeting at which the Corporation finally consider such bye-law.

(2) The Corporation shall, before approving any bye-law, receive and consider any objection or suggestion which may be made in writing by any person with respect thereto before the day of the said meeting ; and any person desiring to object to a bye-law, on giving written notice to the Commissioner, not less than ten days before the day of the said meeting, of the nature of his said objection may, by himself or his counsel, attorney or agent, be heard by the Corporation thereon at the said meeting.

Bye-law to be confirmed by Government.

589. No bye-law made under section 586 shall have the force of law unless and until sanctioned by the Government and published in the Official Gazette.

Printed copies of bye-laws to be kept on sale.

590. (1) The Commissioner shall cause all bye-laws from time to time in force to be printed, and shall cause printed copies thereof to be delivered to any person requiring the same, on payment of a fee fixed with the approval of the Standing Committee.

(2) Notice of the fact of copies of the bye-laws being obtainable at the said price, and of the place where and the person from whom the same are obtainable, shall be given by the Commissioner from time to time by advertisement in the local newspapers.

(3) Boards, with the bye-laws printed thereon or with printed copies of the bye-laws affixed thereto, shall be hung or affixed in some conspicuous part of every municipal office and in such places of public resort, markets, slaughter-houses and other works or places affected thereby, as the Commissioner thinks fit, and the said boards shall from time to time be renewed by the Commissioner.

Boards for exhibiting bye-laws to be open to inspection and not to be injured.

591. (1) No municipal officer or servant shall at any reasonable time prevent the inspection of any board provided by the Commissioner, under the last preceding section by any person desiring to inspect the same.

(2) No person shall, without lawful authority, destroy pull down, injure or deface any such board.

Government may modify or repeal bye-laws.

592. (1) If it shall at any time appear to the Government that any bye-law should be modified or repealed either wholly or in part, it shall cause reasons for such opinion to be communicated to the Corporation and specify a reasonable period within which the Corporation may make any representation with regard thereto which it shall think fit.

(2) After receipt and consideration of any such representation or, if in the meantime no such representation is received, after the expiry of the specified period, the Government may at any time by notification in the Official Gazette, modify or repeal such bye-law either wholly or in part.

(3) The modification or repeal of a bye-law under sub-section (2) shall take effect from such date as the Government shall in the said notification direct or, if no such date is specified, from the date of the publication of

the said notification in the Official Gazette, except as to anything done or suffered or omitted to be done before such date.

(4) The said notification shall also be published in the local newspapers.

Making of standing orders by Commissioner.

593. (1) The Commissioner may make standing orders consistent with the provisions of this Act and the rules and bye-laws made thereunder in respect of the following matters namely—

(A) (a) fixing nakas for the collection of octroi and tolls;

(b) regulating the mode and manner in which octroi and tolls shall be collected;

(c) determining how octroi shall be calculated when no reliable evidence is available of the value of the goods imported;

(d) regulating the stamping, sealing or otherwise making of imported goods;

(e) specifying the manner in which refunds of octroi shall be claimed or made and the conditions under which agents shall be recognised for obtaining refunds of octroi;

(f) determining the supervision under which, the routes by which and the time within which goods intended for immediate exportation shall be conveyed out of the City and the fees payable by persons so conveying the goods;

(g) any other matter relating to the collection of octroi which is not provided for in this Act;

(B) determining the manner in which sales of movable property attached for the non-payment of municipal due shall be held.

(C) (a) preventing nuisance or obstruction in any market building, market place, slaughter-house or stock-yard or in the approaches thereto;

(b) fixing the days and the hours on and during which any market, slaughter-house or stock-yard may be held or kept open for use and prohibiting the owner of any private market from keeping it closed without lawful excuse on such days or during such hours;

(c) prohibiting every vendor in a market from closing his shop, stall or standing to the public with-

out lawful excuse or from withholding from sale any articles in which he normally deals;

(d) keeping every market-building, market-place, slaughter-house or stock-yard in a cleanly and proper state, and removing filth and refuse therefrom;

(e) requiring that any market-building, market-place slaughter-house or stock-yard be propertly ventilated and be provided with a sufficient supply of water;

(f) requiring that in market-buildings and market-places passages be provided between the stalls of sufficient width for the convenient use of the public;

(g) the marking or branding for purposes of indentification of animals rejected for slaughter as discarded or unwholesome;

(h) regulating the method of slaughter at slaughter-houses;

(i) requiring the allotment in markets of separate areas for different classes of articles;

(j) generally regulating the orderly management and control of markets, slaughter-houses and stock-yards.

(2) No order made by the Commissioner under clause (A) of sub-section (1) shall be valid unless it is approved by the Corporation and confirmed by the Government, and no order made by the Commissioner under clause (B) or paragraph (e) of clause (C) of sub-section (1) shall be valid unless approved by the Corporation.

Posting of standing orders and table of stallage rents, etc.

594. A printed copy of the standing orders shall be affixed in a conspicuous place in the Chief Municipal Office and a printed copy of the table of stallages, rents and fees, if any, in force in any market, slaughter-house or stock-yard under sections 534 and 535 shall be affixed in some conspicuous spot in the market-building, market place slaughter-house or stock-yard.

Penalty for breach of bye-laws, or standing orders.

595. In making bye-laws or standing orders, the Corporation, or the Commissioner as the case may be, provide that for any breach thereof the offender shall on conviction—

(a) be punished with fine which may extend to rupees one hundred, and in the case of a continuing breach with fine which may extend to rupees ten for

every day during which the breach continues, after conviction for the first breach;

(b) be punished with fine which may extend to rupees ten for every day during which the breach continues, after receipt of written notice from the Commissioner or any municipal officer duly authorised in that behalf to discontinue the breach;

(c) in addition to the imposition of such fine, be required to remedy the mischief so far as lies in his power.

CHAPTER XVII.

Offences and Penalties.

Certain offences punishable with fine.

596. Whoever—

(a) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of the table in Schedule U or

(b) fails to comply with any requisition lawfuly made upon him under any of the said sections, sub-sections or clauses, shall be punished, for each such offence, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sctions and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subjects of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Continuing offences.

597. Whoever, after having been convicted of—

(a) Contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of the table in Schedule V.

(b) failing to comply with any requisition lawfully made upon him under any of the said sections, sub-sections or clauses,

continues to contravene the said provision or to neglect to comply with the said requisition, or fails to remove or rectify any work or thing done in contravention of the said provision, as the case may be, shall be punish-

ed, for each day that he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the third column of the said table.

Explanation.—The entries in the second column of the said table headed "Subject" are not intended as definitions of the offences described in the sections, sub-sections and clauses mentioned in the first column, or even as abstracts of those sections, sub-sections and clauses, but are inserted merely as references to the subject of the sections, sub-sections and clauses, the numbers of which are given in the first column.

Offences punishable under the Indian Penal Code.

598. Whoever. contravenes any provision of any of the sections, sub-sections or clauses of this Act hereinbelow in this section mentioned and whoever fails to comply with any requisition lawfuly made upon him under any of the said sections, sub-sections or clauses, shall be deemed to have committed an offence punishable under the section of the Indian Penal Code hereinbelow in this section respectively specified as the section of the said Code under which such person shall be punishable, namely :—

Sections of this Act	Sections of the Indian Penal Code under which offenders are punishable
Section 12, sub-section (7)	176 or 177, as the case may be.
Section 213, sub-sections (1) and (2) and section 243	176 or 177, as the case may be.
Section 216, sub-section (3)	177.
Section 514, clauses (a), (b), (c) and (d) and section 515	207.
Section 565, sub-section (1)	188.

Electoral Offences.

Punishment for offences of preparing false list of voters or making false entries in Constituency lists.

599. Any officer or servant of the Corporation who knowingly prepares or making an entry in the list of persons qualified to be registered in the list of voters which is incorrect or false shall, on conviction, be punishable with imprisonment of either description which may extend to six months or with fine which may extend to rupees five hundred.

Prohibition of public meetings on the election day.

600. (1) No person shall convene, hold or attend any public meeting, within any constituency on the date or dates on which a poll is taken for an election in that constituency.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to rupees two hundred and fifty.

Disturbances at election meetings.

601. (1) Any person who at a public meeting to which this section applies acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to rupees two hundred and fifty.

(2) This section applies to any public meeting of a political character held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1), he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address, and if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Maintenance of secrecy of voting.

602. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not, except for some purpose authorised by or under any law, communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Officers, etc. at elections not to act for candidates or to influence voting.

603. (1) No person who is a Returning Officer, or an Assistant Returning Officer, or a Presiding or Polling Officer at an election, or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall, in the con-

duct or the management of the election, do any act, other than the giving of vote, for the furtherance of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election,or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

Prohibition of canvassing in or near polling stations.

604. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts with in the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election, or

(e) exhibiting any notice or sign, other than an official notice relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to rupees two hundred and fifty.

(3) An offence punishable under this section shall be cognizable.

Penalty for disorderly conduct in or near polling stations.

605. (1) No person shall, on the date or dates, on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any apparatus for amplifying or reproducing the human voice, such as a megaphone or a loud speaker, or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any

public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Penalty for misconduct at the polling station.

606. (1) Any person who during the hours fixed for the poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to prevent any voter who is otherwise entitled to vote at a polling station from having an opyortunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Penalty for illegal hiring or procuring of conveyances at elections.

607. If any person is guilty of any such corrupt practice as is specified in sub-section (6) of section 17 at or in connection with an election, he shall be punishable with a fine which may extend to rupees two hundred and fifty.

Removal of ballot papers from polling station to be an offence.

608. (1) Any person who at any election fraudulently takes, or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to rupees five hundred or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under sub-section (1), such officer may, before such person leaves the polling station, arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Making false declaration.

609. If a person makes in, or in connection with, any nomination of a candidate for election or any return of election expenses, a statement or declaration in writing which is false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for a term which may extend to one year or with fine or with both.

Breach of official duty in connection with elections.

610. (1) If any person to whom this section applies is without reasonable cause guilty of any act or commission in breach of his official duty, he shall be punishable with a fine which may extend to rupees five hundred.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or commission as aforesaid.

(3) The person to whom this section applies are the Commissioner, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the preparation of the list of voters, the receipt of nominations or withdrawal of candidature, or the recording

or counting of votes at an election; and the expression "official duty" shall for the purpose of this section be construed accordingly, but shall not include duties imposed otherwise than by or under this Act or the rules thereunder.

Other offences and penalties therefor.

611. (1) A person shall be guilty of an electoral offence if at any election he—

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice or other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelope used in connection with voting by postal ballot; or

(d) without the due authority supplies any ballot paper to any person; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall—

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election be punishable with imprisonment for a term which may extend to two years or with fine or with both ;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months or with fine, or with both.

(3) For the purpose of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after

an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act or the rules made thereunder.

(4) An offence punishable under clause (b) or sub-section (2) shall be cognizable.

Prosecution regarding certain offences.

612. (1) If the Government has reason to believe that an offence punishable under section 599, 603, 604 or under clause (a) of sub-section (2) of section 611 has been committed with reference to any election by any officer and servant of the Corporation a Returning Officer, Assistant Returning Officer or a Presiding or Polling Officer it shall be the duty of the Government to cause such enquiries to be made and such prosecution to be instituted as the circumstances of the case may require.

(2) No court shall take cognizance of any offence punishable under section 603 or 604 or under clause (a) of sub-section (2) of section 611 unless there is complaint made by the order of or under authority from the Government.

Offences other than electoral offences.

Punishment for acquiring share or interest in contract, etc., with the Corporation.

613. Any councillor who knowingly acquires, directly or indirectly, any share or interest in any contract or employment with by or on behalf of the Corporation, not being a share or interest such as, under clause (h) of section 22, it is permissible for a councillor to have, without being thereby disqualified for being a councillor, and any Commissioner, Deputy Commissioner, municipal officer or servant who knowingly acquires directly or indirectly, any share of interest in any contract or employment with, by or on behalf of the Corporation, not being a share or interest such as, under clause (h) of section 22, is permissible for a councillor to have, without being thereby disqualified for being a councillor, shall be deemed to have committed the offence made punishable by section 168 of the Indian Penal Code.

Punishment of offences against section 348.

614. (1) Whoever contravenes any provision of sub-section (1) of section 348 shall be punished with imprisonment which may extend to one month, or with fine which may extend to rupees one hundred or with both.

(2) When any person is convicted under sub-section (1), the Magistrate who convicts him may order the immediate removal of any building or the immediate discontinuance of the operation or use of land, in respect of which such conviction has been held.

(3) If any order made under sub-section (2) is disobeyed or the execution thereof resisted, the offender shall be punished, with imprisonment which may extend to one month, or with fine which may extend to rupees one hundred or with both.

Punishment of offences against section 518.

615. Whoever contravenes any provision of section 518, whether the person so offending be the owner or occupier of the premises in which a furnace is situated or the agent or some person employed by the owner or occupier for managing the same, shall be punished with fine which may extend on a first conviction to rupees one hundred and, on a second or subsequent conviction, to a sum equal to double the amount to which it might have extended on the last preceding conviction.

Extent of penal responsibility of agents and trustees of owners.

616. No person, who receives the rent of any premises in any capacity described in sub-clause (a) of clause (39) of section 2, shall be liable to any penalty under this Act for omitting to do an act as the owner of such premises if he shall prove that his default was caused by his not having funds of, or due to owner sufficient to defray the cost of doing the act required.

Punishment of offences relating to Octroi.

617. The law for the time being in force for the punishment of offences relating to the levy or payment of customs duties and the grant of drawbacks, in connection therewith and for the reward of informers shall, as far as may be, apply to similar offences committed in respect of the levy, payment and refund of Octroi, and any omission or misdescription in passing for exports any goods in respect of which refund of Octroi may be claimable, shall be punishable as if such omission or misdescription had been made in passing the said goods for import.

CHAPTER XVIII

Licensing of Surveyors and Plumbers.

Grant of licences to Surveyors and Plumbers.

618. (1) The Commissioner may grant to any person he thinks fit a licence to act as a surveyor or as a plumber for the purposes of this Act. Each such licence shall be for a renewable period of one year.

(2) If any applicant for a licence to act as a surveyor is a licentiate of Civil Engineering or a person who has passed some test of professional qualification equivalent to that for a licentiate of Civil Engineering, his application shall not be refused by the Commissioner, except with the approval of the Standing Committee and upon the ground that the applicant is unfit, through incompetency, misconduct or other grave reason, to hold such licence.

(3) If the Commissioner refuses any application for a licence under this section he shall, at the request of the applicant, furnish such applicant with his reasons, for such refusal in writing under his signature, without charge.

Bye-laws may be made for guidance of licensed surveyors and plumbers.

619. The Bye-laws may be made from time to time for the guidance of licensed surveyors and plumbers, respectively, and a copy of all bye-laws so made in force for the time being, on the back of every licence granted to a surveyor or plumber, respectively.

Fees and charges of licensed plumbers to be determined by the Corporation.

620. The Corporation may from time to time determine the fees or charges to be paid to licensed plumbers for any work done by them under or for any purpose of this Act, and no licensed plumber shall demand or receive more than the fee or charge so determined for any such work.

Licensed plumber to be bound to execute work porperly.

621. No licensed plumber shall execute any work under this Act carelessly or negligently or make use of any bad material, appliance or fitting for the purpose of such work.

CHAPTER XIX.

PROCEDURE.

Licences and Permissions.

Licences and written permission to specify conditions, etc., on which they are granted.

622. (1) Whenever it is provided in this Act that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Commissioner or of a municipal officer empowered under section 119 to grant the same.

Fees to be chargeable.

(2) For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Commissioner, with the sanction of the Corporation.

Licences and written permission may be revoked, etc.

(3) Subject to the provisions of sub-sections (2) and (3) of section 530, any licence or written permission granted under this Act may at any time be suspended or revoked by the Commissioner, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any bye-law made hereunder in any matter to which such licence or permission relates.

Power to order the discontinuance of the use of premises for unlicenced trades.

(4) (a) If any premises are used without obtaining a licence for any of the purposes specified in Schedules or having obtained a licence is being used in contravention of the terms of such licence or is continued to be used after licence thereof has been suspended or revoked by the Commissioner, the Commissioner may at any time by written notice require that the same shall be discontinued by the person so using it.

(b) If within the period specified in such written notice, the requisitions contained therein are not carried out by the person or owner, as the case may be, any officer authorised by the Commissioner in this behalf may enter the premises and cause the usage as such thereof to be discontinued.

(c) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or for the use of any force necessary for the purpose of effecting an entrance under this section.

(5) Every person to whom any such licence or written permission has been granted shall at all reasonable times while such written permission or licence remains in force, if so required by the Commissioner produce such licence or written permission.

(6) Every application for a licence or permission shall be addressed to the Commissioner.

(7) The acceptance by or on behalf of the Commissioner of the fee for a licence or permission shall not by itself entitle the person paying the fee to the licence or permission.

Licence required for dealing in dairy products.

623. No person shall without, or otherwise than in confirmity with the terms of, a licence granted by the Commissioner in this behalf—

(a) carry on within the City the business of a dairyman,

(b) use any place in the City as a dairy or for the sale of any dairy produce.

Licence for sale in public places.

624. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall use any public place or any public street for the purpose of hawking or exposing for sale, any article whatsoever whether it be for human consumption or not.

Licence for use of skill in handicraft or rendering services for purposes of gain in public place or street.

625. Except under and in conformity with the terms and provisions of a licence granted by the Commissioner in this behalf, no person shall, for purposes of gain use any public street for the purpose of using his skill in any handicraft or in rendering service to and for the convenience of the public.

Public Notices and Advertisements.

Pubilc notices how to be made known.

626. Whenever it is provided by this Act that public notice shall or may be given of anything, such public notice shall be in writing under the signature of the Commissioner or of a municipal officer empowered under section 119 to give the same and shall be given wide publicity in the locality to be affected thereby affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in the local newspapers or by any two or more of these means and by any other means that he shall think fit.

Advertisements how to be made.

627. Whenever it is provided by this Act that notice shall be given by advertisement in the local newspapers or that a notification or any information shall be published in the local newspapers such notice, notification or information shall be inserted, if practicable, in at least two newspapers, in such language or languages as the Corporation may from time to time specify in this behalf, published in the City.

Consent, etc., of Commissioner, may be proved by written document under his signature

628. Whenever under this Act the doing or the committing to do aything or the validity or anything depends upon the consent, approval, declaration, opinion or satisfaction of the Commissioner or of a Deputy Commissioner or any municipal officer, a written document signed by the Commissioner or by such Deputy Commissioner or municipal officer, purporting to convey or set forth his consent, approval, declaration, opinion or satisfaction shall be sufficient evidence of such consent, approval, declaration, opinion or satisfaction.

Service of Notices, etc.

Notice, etc., by whom to be served or presented

629. Notices, bills, schedules, summonses and other such documents required by this Act or by any regulation or bye-law made under this Act to be served upon or issued, or presented or given to any person, shall be served, issued or presented or given by municipal officers or servants or by other persons authorised by the Commissioner in this behalf.

Service how to be effected on owners of premises and other persons.

630. When any notice, bill, schedule, summons or other such documents is required by this Act, or by any regulation or bye-law made under this Act, to be served upon or issued or presented to any person such service, issue or presentation shall except in the cases otherwise expressly provided for in section 657 be effected—

(a) by giving or tendering to such person the said notice, bill, schedule, summons or other documents; or

(b) if such person is not found, by leaving the said notice, bill, schedule, summons or other document at his last known place of abode in the city or by giving or tendering the same to some adult male member or servant of his family; or

(c) if such person does not reside in the City, and his address elsewhere is known to the Commissioner by forwarding the said notice, bill, schedule, summons or other documents to him by post under cover bearing the said addresses; or

(d) if none of the means of aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land, if any, to which the same relates.

Service on owner or occupier of premises how to be effected.

631. When any notice, bill, schedule, summons or other such document is required by this Act, or by any regulation or bye-law made under this Act, to be served upon or issued or presented to the owner or occupier of any building or land, it shall not be necessary to name the owner or occupier therein, and the service, issue or presentation thereof shall be effected, not in accordance with the provisions of the last preceding section but as follows, namely :—

(a) by giving or tendering the said notice, bill, schedule, summons or other document to the owner or occupier, or if there be more than one owner or occupier, to any one of the owners or occupiers of such building or land; or

(b) if the owner or occupier or no one of the owners or occupiers is found by giving or tendering the said notice, bill, schedule, summons or other document to some adult male member or servant of the family of the owner or occupier or of any one of the owners occupiers; or

(c) if none of the means aforesaid be available by causing the said notice, bill, schedule, summons or other document to be affixed on some conspicuous part of the building or land to which the same relates.

The three last sections inapplicable to Magistrate's summonses.

632. Nothing in the three last preceding sections applies to any summons issued under this Act by a Magistrate.

Service of bills for taxes by post.

633. Notwithstanding anything contained in sections 629, 630 and 631 a bill for any municipal tax may be served upon the person liable therefor by sending it by ordinary post with a pre-paid letter under a certificate of posting, addressed to such person at his last known abode or place of business in the City and every bill so sent shall be deemed to have been served on the day following the day upon which letter was posted and, in proving such service, it shall be sufficient to prove that the letter was properly addressed and posted under a certificate of posting.

Signature on notices, etc., may be stamped.

634. (1) Every licence, written permission, notice, bill, schedule, summons or other document required by this Act or rule or bye-law made thereunder to bear the signature of the Commissioner or of any municipal offi-

cer shall be deemed to be properly signed if it bears a facsimile of the signature of the Commissioner or of such municipal officer, as the case may be, stamped thereupon.

(2) Nothing in this section shall be deemed to apply to a cheque drawn upon the municipal fund under section 171.

Power of Commissioner to call for information as to ownership of premises.

635. (1) The Commissioner may, in order to facilitate the service, issue, presentation, or giving of any notice, bill, schedule, summons or other such document upon or to any person, by written notice require the owner or occupier of any premises, or of any portion thereof to state in writing, within such period as the Commissioner may specify in the notice, the nature of his interest therein and the name and address of any other person having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, so far as such name and address is known to him.

(2) Any person required by the Commissioner in pursuance of sub-section (1) to give the Commissioner any information shall be bound to comply with the same and to give true information to best of his knoweldge and belief.

Unauthorised Works.

Work or thing done without written permission of the Commissioner to be deemed unauthorised.

636. (1) If any work or thing requiring the written permission of the Commissioner under any provision of this Act or any rule, regulation or bye-law is done by any person without obtaining such written permission or if such written permission is subsequently suspended or revoked for any reason by the Commissioner, such work or thing shall be deemed to be unauthorised and subject to any other provision of this Act the Commissioner may at any time, by written notice, require that the same shall be removed, pulled down or undone as the case may be, by the person so carrying out or doing if the person carrying out such work or doing such thing is not the owner at the time of such notice then the owner at the time of giving such notice shall be liable for carrying out the requisitions of the Commissioner.

(2) If within the period specified in such written notice the requisitions contained therein are not carried out by the person or owner, as the case may be, the Commissioner may remove or alter such work or undo such thing and the expenses thereof shall be paid by such person or owner as the case may be.

Power of Entry.

Commissioner, etc., may enter any premises for purposes of inspection, survey or execution of necessary work.

637. The Commissioner or any other officer authorised by him in this behalf may enter into or upon any building or land, with or without assistants or workmen in order to make inspection or survey or to execute any work which is authorised by this Act or by any regulation or bye-law framed under this Act to be made or executed, or which it is necessary for any of the purposes, or in pursuance of any of the provisions of this Act or of any such regulation or bye-law, to make or execute:

Provided that—

(a) except when it is in this Act otherwise expressly provided no such entry shall be made between sunset and sunrise;

(b) except when it is in this Act otherwise expressly provided, no building which is used as a human dwelling shall be so entered unless with the consent of the occupier thereof, without giving the said occupier not less than twenty-four hours' previous written notice of the intention to make such entry, and unless for any sufficient reason it shall be deemed inexpedient to furnish such information of the purpose thereof;

(c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice, to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed;

(d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

Power to summon Witnesses.

638. The Commissioner shall have the power of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents and every person required by the Commissioner to furnish any information shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code, 1860 (XLV of 1860).

Enforcement of orders to execute works, etc.

Works, etc., which any person is required to execute may in certain cases be executed by the Commissioner at such person's cost.

639. (1) When any requisition or order is made, by written notice, by the Commissioner or by any municipal officer, empowered under section 119 in his behalf, under any section, sub-section or clause of this Act, mentioned in sub-section (2), a reasonable period shall be specified in such notice for carrying such requisition or order into effect, and if, within the period so specified, such requisition or order or any portion of such requisition or order is not complied with, Commissioner may take such measures or cause such work to be executed or such thing to be done as shall, in his opinion, be necessary for giving due effect to the requisition or order so made; and, unless it is in this Act otherwise expressly provided, the expenses thereof shall be paid by the person or by any one of the persons to whom such requisition or order was addressed.

(2) The sections, sub-sections and clauses of this Act referred to in sub-section (1) are the following, namely:—

Section	300,	sub-section (5).
,,	302	
,,	303	
,,	305,	sub-section (1), clause (b).
,,	316,	,, (2).
,,	322,	,, (1).
,,	325	
,,	335	
,,	352,	sub-section (2).
,,	353,	,, (5).
,,	354,	,, (3).
,,	355,	,, (1) & (2).
,,	359	
,,	394	
,,	397,	sub-section (2)
,,	398	
,,	400	
,,	406	
,,	416	
,,	417,	sub-section (2)
,	418,	,, (1), clause (d).
,,	420,	,, (3)
,,	421,	,, (3)
,,	422,	,, (1).
,,	429,	,, (2).

,, 445, ,, (2).
,, 453
,, 454
,, 456
,, 483, sub-sections (1), (2), (3) & (4).
,, 493
,, 494
,, 495
,, 496
,, 497
,, 502
,, 504
,, 505, sub-section (2).
,, 508
,, 509, sub-section (1).
,, 519, sub-section (1).
,, 532
,, 554, sub-section (1).

(3) The Commissioner may take any measure, execute any work or cause anything to be done under this section, whether or not the person who has failed to comply with the requisition or order is liable to punishment or has been prosecuted or sentenced to any punishment for such failure.

Recovery of expenses by removals by the Commissioner under sections 405, 413, 456 and 504.

640. (1) The expenses incurred by the Commissioner in effecting any removal under section 405 or sub-section (3) of section 413 or in the event of a written notice issued under section 406 or section 456 or 504 not being complied with under section 639, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be paid by the owner of the said materials.

(2) But, if the expenses of removal are in any case paid before the materials are sold, the Commissioner shall restore the materials to the owner thereof, on his claiming the same at any time before they are sold or otherwise disposed of, and on his paying all other expenses, if any, incurred by the Commissioner in respect thereof or in respect of the intended sale or disposal thereof.

(3) If the materials are not claimed by the owner thereof, they shall be sold by auction or otherwise disposed of as the Commissioner thinks fit if perishable, forthwith and if other than perishable, as soon as conveniently may be after one month from the date of their removal whether the expenses of the removal have in

the mean time been paid or not and the proceeds, if any, of the sale or other disposal, shall, after defraying therefrom the costs of the sale or other disposal, and if necessary of the removal, be paid to the credit of the municipal fund, and shall be the property of the Corporation.

Recovery of expenses by the Commissioner.

Expenses recoverable under this Act to be payable on demand; and if not paid on demand may be recovered as an arrear of property tax.

641. (1) (a) Whenever under this Act, or any rules or bye-law made thereunder, the expenses of any work executed or of any measure taken or thing done by or under the order of the Commissioner or of any municipal officer empowered under section 119 in this behalf are payable by any person, the same shall be payable on demand.

(b) If not paid on demand the said expenses shall be recoverable by the Commissioner subject to the provisions of sub-section (2) of section 650 by distress and sale of the goods and chattels of the defaulter, as if the amount thereof were a property tax due by the said defaulter.

(2) If the said expenses are due in respect of some work executed or thing done to, upon or in connection with some building or land or of some measure taken with respect to some building or land or in respect of some work executed or thing done or measure taken for giving effect to any requisition or order made under sub-section (2) of section 496 and the defaulter is the owner of such building or land or of the premises referred to in sub-section (2) of section 496, as the case may be, the amount thereof may be demanded from any person who at any time, before the said expenses have been paid, occupies the said building, land or premises under the said owner; and in the event of the said person failing to pay the same, they may be recovered, by distress and sale of the goods and chattels of the said person, as if the amount thereof were a property -tax due by him:

Provided as follows, namely—

(i) unless the said person neglects or refuses, at the request of the Commissioner truly to disclose the amount of the rent payable by him in respect of the said building, land or premises and the name and address of the person to whom the same is payable, the said person shall not be liable to pay on account of the said expenses any large sum than, up to the time of demand, is payable by him to the owner on account of rent of the said building, land or premises; but it shall

rest upon the said person to prove that the amount of the expenses demanded of him is in excess of the sum payable by him to the owner;

(ii) the said person shall be entitled to credit in account with the owner for any sum said by or recovered from him on account of the said expenses;

(iii) nothing in this section shall affect any agreement made between the said person and the owner of the building, land or premises in his occupation respecting the payment of the expenses of any such work, thing or measure as aforesaid.

(3) Instead of recovering any such expenses as aforesaid in any manner hereinafter provided, the Commissioner may, if he thinks fit and with the approval of the Standing Committee, take an agreement from the person liable for the payment thereof, to pay the same in instalments of such amounts and at such intervals as will secure the payment of the whole amount due with interest thereon, at such rate not exceeding nine per centum per annum as the Standing Committee may fix from time to time, within a period of not more than five years.

What expenses may be declared to be improvement expenses.

642. If the expenses to be recovered have been incurred in respect of any work mentioned in any of the sections—clause (c) of 296, 300, 302, clause (b) of sub-section (1) of 305, sub-section (1) of 323, 335, 353, clause (a) of sub-section (3) of 354, 394, sub-section (1) of 453, 495, 504 and 532, the Commissioner may, if he thinks fit and with the approval of the Corporation, declare such expenses to be improvement expenses and on such declaration being made, such expenses together with interest thereon payable under section 643, shall be a charge on the premises in respect of which or for the benefit of which the expenses have been incurred.

Improvement expenses by whom payable.

643. (1) Improvement expenses shall be recoverable in instalment of such amount not being less for any premises than twelve rupees per annum and at such intervals as will suffice to discharge such expenses, together with interest thereon at the rate of six per centum per annum within such period not exceeding thirty years as the Commissioner, with approval of the Corporation, may in each case determine.

(2) The said instalments shall be payable by the occupier of the premises on which the expenses and interest thereon are so charged or, in the event of the said

premises becoming unoccupied at any time before the expiration of the period fixed for the payment of such expenses or before the same, with interest as aforesaid, are fully paid off, by the owner for the time being of the said premises so long as the same continue to the unoccupied.

Proportion of improvement expenses may be deducted from rent.

(3) Where the occupier by whom any improvement expenses together with interest there are paid holds the premises on which the expenss together with interest thereon are charged, at a rent not less than the rack-rent, he shall be entitled to deduct three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid from the rent payable by him to his landlord, and, if he holds at a rent less than the rack-rent he shall be entitled to deduct from the rent so payable by him such proportion of three-fourths of the amount paid by him on account of such expenses and interest thereon as aforesaid as his rent bears to the rack-rent.

(4) And if the landlord from whose rent any deduction is so made is himself liable to the payment of rent for the premises in respect of which the deduction is made and holds the same for a term of which less than twenty years in unexpired otherwise, he may deduct from the rent so payable by him as the rent payable by him bears to the rent payable to him, and so in succession with respect to every landlord holding for a term of which less than twenty years is unexpired of the same premises both receiving and liable to pay rent in respect thereof:

Provided that nothing in this section shall be construed to entitle any person to deduct from the rent payable by him more than the whole sum deducted from the rent payable to him.

Redemption of charge for improvement expenses.

644. At any time before the expiration of the period for the payment of any improvement expenses together with interest thereon the owner or occupier of the premises on which they are charged may redeem such charge by paying to the Commissioner such part of the said expenses and such interest due, if any, as may not have been already paid or recovered.

Recovery of instalments due under sections 641 and 643.

645. Any instalment payable under sub-section (3) of section 641 or section 643, which is not paid when the same becomes due may be recovered by the Commissioner by distress and sale of the goods and chattels of the person by whom it is due as if it were a property tax due by the said person.

646. Whenever the owner of any building or land fails to execute any work which he is required to execute under this Act, the occupier, if any, of such building or land may, with the approval of the Commissioner, execute the said work, and he shall be entitled to recover the reasonable expenses incurred by him in so doing from the owner and may deduct the amount thereof from the rent which from time to time becomes due by him to the owner. In default of owner the occupier of any premises may execute required work and recover expenses from the owner.

647. No person who receives the rent of any premises in any capacity described in paras (i), (ii) and (iii) of sub-clause (a) of clause (39) of section 2 shall be liable to do anything which is by this Act required to be done by the owner, unless he has sufficient funds of or due to the owner to pay for the same. Limitation of liability of agent or trustee of owner.

Payment of Compensation.

648. In any case not otherwise expressly provided for in this Act, the Commissioner may, with the previous approval of the Standing Committee, pay compensation to any person who sustains damage by reason of the exercise of any of the powers vested by this Act in the Commissioner or in any municipal officer or servant. Compensation for damages may be paid by the Commissioner.

649. (1) If, on account of any act or commission any person has been convicted of an offence against any rule or bye-law made thereunder, and, by reason of the same act or ommission of the said person, damage has occurred to any property of the Corporation, compensation shall be paid by the said person for the said damage notwithstanding any punishment to which he may have been sentenced for the said offence. Compensation to be paid by offenders against this Act for any damage caused by them.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the amount of compensation so determined, the same shall be recovered under a warrant from the said Magistrate as if it were a fine inflicted by him on the person liable therefor.

Recovery of expenses or compensation in case of dispute.

650. (1) If, when the Commissioner demands payment of any expenses under section 641 his right to demand the same or the amount of the demand is disputed, or if, in the case of expenses incurred by the Commissioner in taking temporary measures under sub-section (2) of section 422, the necessity for such temporary measures In cases falling under section 641 disputes to be determined by the Judge.

is disputed, the Commissioner shall refer the case for the determination of the Judge.

(2) Pending the Judge's decision the Commissioner shall defer further proceedings for the recovery of the sum claimed by him and, after the decision, shall proceed to recover only such amount, if any, as shall be thereby ascertained to be due.

Amount of expenses or compensation to be determined in all cases of dispute by the Judge.

651. If, in any case not falling under section 641, any person is required by this Act, or by any rule or bye-law framed under this Act, to pay any expenses or any compensation, the amount to be so paid and, if necessary, the apportionment of the same, shall, in case of dispute, be determined, except as is otherwise provided in sections 650 and 667, by the Judge of the Small Causes Court on application being made to him for this purpose at any time within one year from the date when such expenses or compensation first became claimable.

Expenses or compensation awarded by Judge to be recovered, if necessary, as if they were due under a decree of the Court.

652. If the amount of any expenses or compensation ascertained in accordance with the last preceding section is not paid by the person liable to pay the same on demand, it shall be recoverable as if the same were due under a decree of the Court.

Persons liable for expenses or compensation may be sued for recovery thereof.

653. Instead of proceeding in any manner aforesaid for the recovery of any expenses or compensation of which the amount due has been ascertained as hereinbefore provided, or after such proceedings have been taken unsuccessfully or with only partial success, the sum due, or the balance of the sum due, as the case may be, may be recovered by a suit brought against the person liable for the same in any Court of competent jurisdiction.

CHAPTER XX.

APPEAL FROM CERTAIN ORDERS.

Appeals to the Judge.

Appeals to the Judge.

654. Appeal shall lie to the Judge against the orders of the Commissioner in the following cases, namely—

(1) an order refusing to empty private drains into a municipal drain under section 297;

(2) an order enforcing drainage of undrained premises under sections 302 and 303;

(3) an order declining to remove a shaft or pipe under section 317;

(4) an order requiring a building to be set forward under section 386;

(5) an order requiring the owner or occupier to repair, protect or enclose a place found to be dangerous under section 422;

(6) an order requiring a dangerous structure to be pulled down, secured or removed under section 456;

(7) an order requiring a tree to be secured, lopped or cut down under section 457;

(8) an order requiring a tank, pond, well, hole-stream, dam or bank to be filled, removed, repaired, protected or enclosed under section 458;

(9) an order requiring any building to be vacated under section 462;

(10) an order directing the demolition of building under sections 498 and 499;

(11) an order requiring the removal of a hut or shed under section 502;

(12) an order requiring certain works to be carried out in the wall and floors of a building under section 503;

(13) an order requiring certain measure to be taken for filling up of pools, etc., under section 504;

(14) an order requiring any private water source to be repaired, cleansed or protected under section 506."

Provided that no such appeal shall lie unless it is filed within one month from the date of the order of the Commissioner.

Appeals against demolition orders.

655. (1) On an appeal being made against a demolition order made under section 498 or 499, the Judge may make such order either confirming, quashing or varying the order as he thinks fit and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the Commissioner, and any undertaking so accepted by the Judge shall have the like effect as if it had been given to and accepted by the Commissioner under section 498 or 499.

(2) An appeal shall lie to the High Court from a decision of the Judge on an appeal under this section, within one month of such decision, when the rateable value entered in the Commissioner's assessment book in accordance with the provisions of this Act, of the premises

to which the demolition order appealed against wholly or partially relates, exceeds rupees two thousand.

(3) A decision passed by the Judge under this section if an appeal does not lie therefrom under sub-section (2), or if no appeal is filed, and the decision of the High Court, in appeal, if an appeal is field, shall be final.

(4) Any order against which an appeal might be brought under sub-section (1) shall, if no such appeal is brought, become operative on the expiration of a period of thirty days from the date of such order and shall be final and conclusive as to any matters which could have been raised on such an appeal and any such order against which an appeal is brought shall, if and so far as it is confirmed by the Judge or the High Court under sub-section (2) as the case may be become operative as from the date of the final determination of the appeal.

(5) For the purposes of this section, the withdrawal of an appeal shall be deemed to be the final determination thereof, having the like effect as a decision confirming the order appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date when the decision of the High Court is given or in a case where no appeal is brought to the High Court, upon the expiration of the period within which such an appeal might have been brought, or in a case where no appeal lies to the High Court, on the date when the decision of the Judge is given.

Appeals against decision of the Judge regarding payment of expenses for works executed.

656. (1) An appeal shall lie to the High Court from a decision of the Judge regarding the amount or payment of expenses for any work executed, when the amount of the claim in respect of which the decision is given exceeds rupees two thousand:

Provided that no such appeal shall be heard by the High Court unless it is field within thirty days from the date of the decision of the Judge.

(2) The decision of the Judge regarding the amount or payment of expenses for any work executed, if no appeal is filed under this section, and the decision of the High Court in such appeal if an appeal is filed, shall be final.

(3) When an appeal is filed under sub-section (1) in respect of a decision regarding the amount or payment of expenses for any work executed, the Commissioner shall defer proceedings for the recovery of the amount

determined by the Judge to be due pending the decision, shall proceed to recover only such amount, if any, as shall be thereby determined to be due.

Proceeding before the Judge.

Remedy of owner of building or land against occupier who prevents his complying with any provisions of this Act.

657. (1) If the owner of any building or land is prevented by the occupier thereof from complying with provision of this Act or of any bye-law made thereunder or with any requisition made under this Act, or bye-law in respect of such building or land, the owner may apply to the Judge.

(2) The Judge on receipt of any such application may make written order requiring the occupier of the building or land to afford all reasonable fecilities to the owner for complying with the said provision or requisition may also, if he thinks fit, direct that the cost of such application and order be paid by the occupier.

(3) After eight days from the date of any such order, it shall be incumbent on the said occupier to afford all such reasonable facilities to the owner for the purpose aforesaid as shall be specified in the said order; and in the event of his continued refusal so to do, the owner shall be discharged, during the continuance of such refusal, from any liability which he would otherwise incur by reason of his failure to comply with said provision or requisition.

(4) Nothing in this section shall affect the powers of the Commissioner under any provision of this Act to cause any premises to be vacated.

Power to summon witnesses and compel production of documents.

658. (1) For the purposes of any inquiry or proceeding under this Act, the Judge may summon and enforce the attendance of witnesses and compel them to give evidence and compel the production of documents, by the same means and, as far as is possible, in the same manner as is provided in the case of the Small Causes Court by the Hyderabad Small Causes Court Act, 1330 Fasli, and in all matters relating to any such inquiry or proceeding the said Judge shall be guided generally by the provisions of the said Act so far as the same are applicable.

(2) If, in any such inquiry or proceeding, the person against whom the complaint or application has been made fails to appear, notwithstanding that he has been duly summoned for this purpose, the said Judge may hear and determine the case in his absence.

(3) The costs of every such inquiry or proceeding as determined by the said Judge, shall be payable by such parties and in such proportions as the Judge shall direct and the amount thereof shall, if necessary, be recoverable as if the same were due under a decree of the Court:

Provided that if such inquiry or proceeding relates to a dispute regarding expenses declared to be improvement expenses under section 642, the amount of the costs directed by the said Judge to be paid by the owner or occupier of the premises in respect, or for the benefit, of which the improvement expenses were incurred shall be a charge on such premises and may also be recovered in the manner provided in section 643.

Fees in proceedings before the Judge.

659. (1) The Government may, from time to time by notification in the Official Gazette, determine what fee, if any, shall be paid—

(a) on any application or appeal made under this Act to the Judge; and

(b) previous to the issue, in any inquiry or proceeding of the said Judge under this Act, of any summons or other process:

Provided that the fees, if any, determined under clause (a) shall not, in cases in which the value of the claim or subject matter is capable of being estimated in money, exceed the fees at the time being levied, under the provisions of the Hyderabad Small Causes Court Act, 1330 Fasli, in cases in which the value of the claim or subject-matter is of like amount.

(2) The Government may from time to time by a like notfication determine by what person any fee determined under clause (a) shall be payable.

(3) No application or appeal shall be admitted by the said Judge, until the fee, if any, prescribed therefor under clause (a), has been paid.

Exemption of poor persons from fees.

660. The Judge may, whenever he thinks fit, receive an application or appeal made under this Act, by or on behalf of a poor person, and may issue process on behalf of any such person without payment or on a part payment of the fees determined under section 659.

Repayment of half fees on settlement before hearing.

661. Whenever any application or appeal under this Act is settled by agreement of the parties before the hearing, half the amount of all fees paid up to that time shall be repaid by the said Judge to the parties by whom the same have been respectively paid.

Authority to Judge to delegate certain powers.

662. The Judge may—

(a) delegate, either generally or specially to any other judge of the said Court, Power to receive applications, appeals and references under this Act, and to discharge any other duty in connection with such applications, appeals and reference, except the hearing and adjudication thereof;

(b) if for any reason, it shall be necessary so to do, delegate to any other Judge of the said Court the hearing and adjudication of the said application.

Proceeding before Magistrate.

Cognizance of offences.

663. All offences against this Act, or against any rule or bye-law made thereunder, whether committed within or without the city shall be cognizable by a Magistrate appointed under section 664. or until such appointment by a first Class Magistrate having jurisdiction in the city and no such Magistrate shall be deemed to be incapable of taking congnizance of any such offence or of any offence against any enactment hereby repealed, by reason only of his being liable to pay any Municipal Tax or of his being benefitted by the Municipal fund.

Appointment of a Magistrate of the First Class.

664. (1) The Government may with the consent of the Corporation create one or more posts of Magistrates and invest them with the powers of First Class Magistrate for the trial of offences against this Act, or against any rule, regulation or bye-law made thereunder and may appoint any person to such post and may also appoint such ministerial officers for the Court of any such Magistrate as it may think necessary.

(2) Such Magistrate or Magistrates and their establishment shall be paid such salary, pension, leave allowances and other allowances as may, from time to time, be fixed by the Government.

(3) The amounts of the salary and other allowances as fixed under sub-section (2) together with all other incidental charges shall be reimbursed to the Government by the Corporation, who shall also pay to the Government such contribution towards the pension, leave and

other allowance of such Magistrate or Magistrates and their establishment as may from time to time be fixed by the Government:

Provided that the Government may, with the concurrence of the Corporation, direct that in lieu of the amounts payable under this section the Corporation shall pay to the Government annually, on such date as may be fixed by the Government in this behalf, such fixed sum as may be determined by the Government in this behalf.

Limitation of time within which complaints of offences punishable under this Act shall be entertained.

665. No person shall be liable to punishment for any offence made punishable by this Act, unless complaint of such offence is made before a Magistrate within the time hereinafter fixed in that behalf, namely—

(a) if the offence be against the provisions of section 213, within six months next after the commission of such offence;

(b) if the offence be against the provisions of sections 299, 313, 337, 352 (1), 353 (5), 354 (3), (a), (b), 363, 366, 371 (1), (2), or 516 or any bye-laws made under section 586, within three months next after the commission or discovery of such offence;

(c) if the offence be against any other provision of this Act, within three months next after the commission of such offence.

Power of Magistrate to hear cases in absence of accused.

666. If any person summoned to appear before a Magistrate to answer a charge of an offence punishable under this Act or any rule, or bye-law made thereunder fails to appear at the time and place mentioned in the summons, and if service of summons is proved to the satisfaction of the Magistrate and no sufficient cause is shown for the non-appearance of such person the Magistrate may hear and determine the case in his absence.

Complaint concerning nuisance.

667. (1) Any person who resides in the city may complain to a Magistrate of the existence of any nuisance, or that in the exercise of any power conferred by sections 294, 317, 319, 320 or 482 more than the least practicable nuisance has been created.

(2) Upon receipt of any such complaint, the Magistrate after making such inquiry as he thinks necessary, may if he sees fit, direct the Commissioner—

(a) to put in force any of the provisions of this Act or to take such measures as to such Magistrate as shall seem practicable and reasonable for preventing,

abating, diminishing or remedying such nuisance;

(b) to pay to the complainant such reasonable costs of and relating to the said complaint and order as the said Magistrate shall determine, inclusive of compensation, for the complainants's loss of time in prosecuting such complaint.

(3) It shall be incumbent on the Commissioner to obey every such order.

(4) Nothing contained in this Act shall interfere with the right of any person who may suffer injury or whose property may be injuriously affected by any act done in the exercise of any power conferred by section 294, 317, 319, 320 or 482 to recover damages for the same.

Appeal to the Court of Session from order passed under section 667.

668. (1) An appeal shall lie to the Court of Session from an order passed by a Magistrate under section 667 within thirty days of the date thereof.

(2) The said Court may, when disposing of an appeal under sub-section (1), direct by whom and in what proportions, if any, the costs of the appeal are to be paid, and costs so directed to be paid may, on application, to a Magistrate of the First Class having jurisdiction in the city, be recovered by him, in accordance with the direction of the said Court, as if they were a fine imposed by himself.

(3) When an appeal has been preferred to the said Court under this section, the Commissioner shall defer action upon the order of the Magistrate until such appeal has been disposed of and shall thereupon forthwith give effect to the order passed in such appeal by the said Court, or, if the order of the Magistrate has not been disturbed by the said Court, then to his order.

Arrest of Offenders.

Offenders against this Act may in certain cases be arrested by Police Officers.

669. (1) Any police officer may arrest any person who commits in his view any offence against this Act or against any regulation or bye-law made under this Act, if the name and address of such person be unknown to him and if such person, on demand, declines to give his name and address or gives a name and address which such officer has reason to believe to be false.

(2) No person so arrested shall be detained in custody after his true name and address are ascertained or, without the order of a Magistrate, for any longer time, not exceeding at the most twenty-four hours from the

arrest, than is necessary for bringing him before a Magistrate competent to take cognizance of his offence.

Miscellaneous.

Code of Civil Procedure to apply.

670. (1) Save as expressly provided by this Chapter, the provisions of the Code of Civil Procedure, 1908 relating to appeals from original decrees shall apply to appeals to the Judge from the orders of the Commissioner and the provision of the said Code relating to appeals from Appellate Decrees shall apply to appeals to the High Court.

(2) All other matters for which no specific provision has been made under this Act shall be governed by such rules as the Government may from time to time make after consultation with the High Court.

Limitation.

671. (1) In computing the period of limitation fixed for an appeal or application referred to in this Act the provisions of sections 5, 12, and 13 of the Indian Limitation Act, 1908 shall so far as may be, apply.

(2) When no time is fixed by this Act for the presentation of an appeal or application such appeal or application shall be presented within thirty days from the date of the order in respect of or against which the appeal, or application is presented.

Execution of orders of the Judge and the High Court.

672. (1) All orders of the Judge shall be executed in the same manner as if they were decrees of the Court of Small Causes passed under the Hyderabad Small Causes Court Act, 1330 Fasli.

(2) All orders of the High Court shall be executed as if they were decrees of the High Court.

Application of Criminal Procedure Code.

673. The provisions of the Code of Criminal Procedure, 1898 shall, so far as may be, apply to all matters investigated, inquired into, tried, appealed against and otherwise dealt with under this Act before Magistrates.

Legal Proceedings.

Provisions respecting Institution, etc. of Civil and Criminal actions and obtaining legal advice.

674. The Commissioner may—

(a) take, or withdraw from, proceedings against any person who is charged with—

(i) any offence against this Act;

(ii) any offence which affects or is likely to

affect any property or interest of the Corporation or the due administration of this Act;

(iii) committing any nuisance whatsoever;

(b) compound any offence against this Act, which under the law at the time in force may legally be compounded;

(c) defend any election petition brought under section 7;

(d) defend, admit or compromise any appeal against a rateable value or tax brought under section 282;

(e) take, withdraw from, or compromise proceedings under sections 649 (2), 650, 651 and 652 for the recovery of expenses or compensation claimed to be due to the Corporation;

(f) withdraw or compromise any claim for a sum not exceeding rupees five hundred against any person in respect of penalty payable under a contract entered into with such person by the Commissioner, or, with the approval of the Standing Committee any such claim for any sum exceeding rupees five hundred;

(g) defend any suit or other legal proceedings brought against the Corporation or against the Commissioner or a Deputy Commissioner or a Municipal Officer or servant in respect of any thing done or omitted to be done by them respectively, in their official capacity;

(h) with the approval of the Standing Committee, admit or compromise any claim, suit or legal proceeding brought against the Corporation or against the Commissioner or a Deputy Commissioner or Municipal Officer or servant, in respect of any thing done or omitted to be done as aforesaid;

(i) with the like approval, institute and prosecute any suit or withdraw from or compromise any any suit or any claim, other than a claim of the description specified in clause (f), which has been instituted or made in the name of the Corporation or of the Commissioner:

(j) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain or as he may be desired by the Corporation or the Standing Committee to obtain for any of the purposes mentioned in the foregoing clauses of the section

or for securing the lawful exercise or discharge of any power, or duty vesting in or imposed upon any Municipal Authority or any Municipal Officer or servant:

Provided that the Commissioner shall not defend any suit or legal proceedings under clause (g) without first of all taking legal advice with regard thereto, and shall institute and prosecute any suit which the Corporation shall determine to have instituted and prosecuted.

CHAPTER XXI.

CONTROL.

Government's power to call for records.

675. The Government may at any time require the Corporation or Commissioner—

(a) to produce any extract from any proceedings of the Corporation, the Standing Committee or any other Committee constituted under this Act, record, correspondence, plan or other document;

(b) to furnish any return, plan, estimate, statement of account or statistics;

(c) to furnish or obtain any report;

and the Corporation or the Commissioner as the case may be, shall furnish the same without unreasonable delay.

Government's power to cause inspection to be made.

676. The Government may depute any officer to inspect or examine any Municipal Department, office, service, work or thing and to report thereon and any officer so deputed may for the purposes of such inspection or examination exercise all the powers conferred by section 675.

Government's power to require the performance of duties.

677. If on receipt of any information or report obtained under section 675 or 676 or otherwise, the Government is of opinion—

(a) that any duty imposed on any Municipal Authority by or under this Act has not been performed or has been performed in an imperfect, inefficient or unsuitable manner, or

(b) that adequate financial provision has not been made for the performance of any such duty.

the Government may by an order direct the Corporation or Commissioner within a period to be specified in the order to make arrangements for the proper performance of the duty or to make financial provision for the performance of the duty, as the case may be, to the satisfaction of Government:

Provided that unless in the opinion of the Government the immediate execution of such order is necessary, the Government shall before making an order under this section give the Corporation an opportunity of showing cause why such order should not be made.

Government's power to appoint a person to take action in default.

678. (1) If within the period fixed by an order issued under section 677 any action directed under that section has not been duly taken, the Government may by order—

(a) appoint some person to take action so directed;

(b) fix the remuneration to be paid to him; and

(c) direct that such remuneration and the cost of taking such action shall be defrayed out of the Municipal Fund.

(2) For the purpose of taking the action directed as aforesaid the person appointed under sub-section (1) shall have power to make such contracts as are necessary, may exercise any of the powers conferred on any Municipal Authority by or under this Act and specified in this behalf in the order issued under sub-section (1) and shall be entitled to protection under this Act as if he were a Municipal Authority.

(3) The Government may direct by notification that any sum of money which may in its opinion be required for giving effect to the orders so issued be borrowed by debenture on the security of all or any of the said taxes at such rate of interests and upon such terms as to the time of repayment and otherwise as may be specified in the notification.

(4) The provisions of sections 149 to 168 shall as far as may be, apply to any loan raised in pursuance of this section.

Power of revision.

679. (1) The Government may at any time for the purposes of satisfying itself as to the correctness, legality, propriety or regularity of any proceeding of or order passed by the Commissioner or any Officer subordinate to him call for and examine the record and pass such orders with reference thereto as it thinks fit.

(2) (a) Where the Government is of opinion that the execution of any resolution or order passed by the Corporation or the doing of any act which is about to be done or is being done by or on behalf of the Corporation

is in contravention of or in excess of powers conferred by this Act or of any law for the time being in force or is likely to lead to a breach of peace it may by order in writing suspend the execution of such resolution or order or prohibit the doing of any such act:

Provided that before suspending such resolution under this Clause the Government shall communicate to the Corporation the grounds on which it proposes so to do, fix a reasonable period for the Corporation to show cause against the proposal and consider its explanation and objection, if any;

(b) A copy of such order shall forthwith be sent to the Corporation by the Government;

(c) The Government may at any time on representation by Corporation or otherwise revise, modify or revoke any order passed under Clause (a).

CHAPTER XXII.

Supplemental Provisions.

Councillors, etc., to be deemed to be public servants.

680. The Commissioner and Deputy Commissioner and every councillor and every officer or servant appointed under this Act and every person appointed to make a valuation under sub-section (1) of section 285, and every contract or agent for the collection of any Municipal Tax and every servant or other person employed by any such contractor or agent, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860.

Co-operation of Police.

681. (1) The Commissioner of Police shall, as far as may be, co-operate, by himself and through his subordinates, with the Commissioner for carrying into effect and enforcing the provisions of this Act and for the maintenance of good order in the city.

(2) It shall be the duty of every Police officer in the city to communicate without delay to the proper municipal officer any information which he receives of a design to commit or of the commission of any offence against this Act or against any rule or bye-law made under this Act, and to assist the Commissioner, or any Municipal officer or servant, reasonably demanding his aid for the lawful exercise of any power vesting in the Commissioner or in such Municipal officer or servant under this Act.

Assistance for the recovery of rent on land.

682. For the purpose of the recovery of any amount due on account of rent from any person to a Corporation in respect of any land vested in or otherwise held by such Corporation, the Corporation shall be deemed to be a superior holder and every such person an inferior holder of such land, within the meaning of sections 72 and 73 of the Hyderabad Land Revenue Act, 1317 Fasli, and the Corporation as superior holder shall be entitled, for the recovery of every such amount, to all the assistance to which under the said section a superior holder is entitled for the recovery of rent or land revenue payable to him by an inferior holder.

Measurement of distances.

683. The distance mentioned in this Act shall be measured in a straight line on a horizontal plane.

Informalities and errors in assessments, etc., not to be deemed to invalidate such assessment, etc.

684. (1) Any informality, clerical error, omission or other defect in any assessment made or in any distress levied or in any notice, bill, schedule, summons or other document issued under this Act, or under any rule or bye-law made thereunder, may at any time, as far as possible, be rectified.

(2) No such informality, clerical error, omission or other defect shall be deemed to render the assessment, distress, notice, bill, schedule, summons or other document invalid or illegal, if the provisions of this Act and of the rules and bye-laws made thereunder have in substance and effect been compiled with; but any person who sustains any special damage by reason of any such informality, clerical error, omission or other defect shall be entitled to recover compensation for the same by suit in a Court of competent jurisdiction.

Protection of persons acting under this Act against suits.

685. (1) No suit shall be instituted against the Corporation or against the Commissioner or a Deputy Commissioner or against any officer or servant, appointed under this Act, in respect of any act done in pursuance or execution or intended execution of this Act or in respect of any alleged neglect or default in the execution of this Act—

(a) until the expiration of one month next after notice in writing has been, in the case of the Corporation, left at the Chief Municipal Office and in the case of the Commissioner or of a Deputy Commissioner or of a Municipal Officer or servant delivered to him or left at his office or place of abode, stating with reason-

able particularity the cause of action and the name and place of abode of the intending plaintiff and of his attorney or agent, if any, for the purpose of such suit; or

(b) unless it is commenced within six months next after the accrual of the cause of action.

(2) At the trial of any such suit—

(a) the plaintiff shall not be permitted to go into evidence of any cause of action except such as is set forth in the notice delivered or left by him as aforesaid;

(b) the claim, if it be for damages, shall be dismissed if tender of sufficient amends shall have been made before the suit was instituted or if, after the institution of the suit, a sufficient sum of money is paid into Court with costs.

(3) Where the defendant in any such suit is a Municipal Officer or servant, payment of the sum or of any part of any sum payable by him in or in consequence of the suit, whether in respect of costs, charges, expenses, compensation for damages or otherwise, may be made, with the previous sanction of the Standing Committee from the Municipal Fund.

Savings in respect of certain provisions of Hyderabad Land Revenue Act.

686. Notwithstanding the provisions of sections 50, 57, 61 and 62 of the Hyderabad Land Revenue Act, 1317 F.—

(i) the use of any land for any purpose to which it may lawfully be put under the provisions of this Act, shall not be prohibited;

(ii) it shall be sufficient for any occupant of land assessed or held for the purpose of agriculture to show to the satisfaction of the Collector that he has complied with all the requirements of this Act and of the rules, regulations and bye-laws to entitle such occupant to permission under section 61 of the said Land Revenue Act subject to the condition of the payment of altered assessment and fine, if any, for the use of his holding or part thereof for any purpose unconnected with agriculture.

CHAPTER XXIII.

REPEAL OF ENACTMENTS.

Repeal etc.

687. The Hyderabad Municipal Corporations Act, 1950 (No. XXXVI of 1950), and the Hyderabad and Secunderabad Municipal Committees' (Composition and Elections). Regulation, 1359 F. (XI of 1359 F.), and all enactments amending the same are hereby repealed, provided that—

(a) any Corporation constituted under the enactments so repealed (hereinafter referred to in this section as the said Corporation) shall be deemed to have been constituted under this Act, and Councillors of the said Corporation shall continue to hold office till the first meeting of the Corporation under clause (b) of section 88 is held;

(b) any appointment, notification, notice, tax, order, delegation, instruction, direction, scheme, licence, permission, permit, certificate, rule, regulation, bye-law or form made, published, issued, imposed or granted or deemed to have been made, issued, given, published, imposed or granted under the said enactments and still in force shall so far as it is not inconsistent with this Act be deemed to have been respectively made, published, issued, given, imposed and granted under this Act;

(c) any right, privilege, obligation or liability acquired, accrued or entered under the said enactments shall be deemed to have been acquired, accrued or entered under this Act;

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment as aforesaid may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed, and

(e) all references made in any Act to any of the said enactments shall be read as if made to this Act or to the corresponding portion thereof.

SCHEDULE A.

FORM 1.

NOTICE.

[*See Section* 12 (10)].

Constituency list of..... constituency
.....

A draft list of voters included in this part of the above named list is herewith published for general information. All claims to be included in this list shall be made in Form 2 and all objections to any name entered therein in Form 3 not later than the .....day of.....
.....195 .

The Revising Authority to whom such claims and objections are to be preferred is.....
(Address)..... .

Claims and objections shall be addressed to the Revising Authority and shall either be presented to the Revising Authority specified in this notice or to the Commissioner (or to)or be sent by post to the Revising Authority specified in this notice so as to reach him not after than the.....day of.....195 .

Place

Dated *Commissioner.*

Note :—Printed copies of the Forms will be supplied free by the Commissioner on application.

FORM 2.

CLAIM FOR INCLUSION IN THE LIST.

[*See Section* 12 (10)].

CONSTITUENCY.

Claim for inclusion in list of voters..... ....Constituency	To be filled by the claimant	Claim No..... Filed on..... Date of hearing & adjournment if any.....	To be filled in by office.
(1)	(2)	(3)	(4)
Name, father's or husband's name and full address of the claimant	Particulars of claim	Documents submitted with claim in support of the statement in column (2).	How claim is filed (Personally, by agent or by post), (Name of agent, if any).
	The claimant is a citizen of India and was not less than 21 years of age on the 1st day of.....19 , and he has been ordinarily resident at*..... in**... .....He has not claimed to be included or has not been included in any constituency list of any constituency with any other address.	Original/Certified copies of— (i) (ii) (iii)	

DECLARATION

The above particulars are true and correct in all respects.
Signature or thumb impression of the claimant.....
†Signature of person signing on behalf of claimant.....
Address of person signing, if not the claimant.....

Dated.....19 .

* Here insert the address. **Here insert the electoral unit or constituency.

† If the claimant does not sign himself, the person signing on his behalf must in every case file a written authority from the claimant.

Notes:—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished *under section* 199 *and/or* 182 *I.P.C.*

FORM 3.

OBJECTION TO REGISTRATION OF VOTERS.

[*See Section* 12 (10)].

.....Constituency Objection against entry No.....in the list of voters of.. ....Constituency.	To be filled by the Objector.	Objection No..... Filed on..... Date of hearing & adjournment, if any.	To be filled by the office.

1	2	3	4	5
Name, father's or husband's name and full address, of the objector	Name*, father's or husband's name and full address of the person to whom the entry objected to relates	Grounds of objection	Documents submitted with objection	How objection is filled (personally, by agent or by post), (Name of agent, if any).

The grounds of my objection are:—

Original/Certified copies of—
(i)
(ii)
(iii)

DECLARATION.

I declare the statements made in this objection to be true to my knowledge and belief.

Dated.....19 .

Signature or thumb impression of the objector.....
Entered on the Municipal list of voters of.....
Constituency at Serial No.....in the List.....

* Here insert the name as it appears in the Constituency list.

Note:—Any person who makes a false declaration or gives information which he knows or believes to be false or does not believe to be true is liable to be punished *under section* 199 *and/or* 182 *I.P.C.*

FORM 4.

NOTICE.

[*See Section* 12 (14)].

To

Name of claimant.....
.....
Name of father/husband of claimant
Full address of claimant.....

Re. your claim No...
.....for inclusion in the Municipal list of voters for .....
..... Constituency.

Take notice that your claim will be heard at ..... (place) at..... O'clock and you are directed to be present at the hearing with such evidence as yau may wish to adduce.

Revising Authority.

Dated.....195 .

Place.....

FORM 5.

NOTICE.

[*See Section* 12 (14)].

To

Name of objector....
.....
Name of father/husband of Objector....
Full Address of objector.....

Re: Your objection No. .....
against (name) ....
Son/Wife of .....
residing at.....
in respect of entry No.....in the Municipal list of voters of.....
..... constituency.

Take notice that your objection will be heard at .....
(place) at .....
O'clock on the .....
day of .....
and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Revising Authority.

Dated .....

Place .....

FORM 6.

NOTICE.

[*See Section* 12 (14)].

Objection No .....
by (Name of objector) .....
of .....
in respect of entry No. .....
in the Municipal list of .....
Constituency
Grounds of objection (in brief) are..
.....

To
Name of opposite party.....
Full address of opposite party. ...

The objector has filed an objection to the inclusion of your name in the Municipal list of voters for the constituency mentioned in this notice on the ground stated herein. Take notice that the said objection will be heard at .....(place) at.....O'clock on the.....day of.... and you are directed to be present at the hearing with such evidence as you may wish to adduce.

Revising Authority.

Dated.....

Place.....

FORM 7.

[*See Section* 35].

Whereas the ..... constituency of Municipal Corporation of the City of.....has been called upon to elect a councillor (councillors) on or before.....
.....

I, ...the Returning Officer of the said constituency.....
.....do hereby give the following—

Public Notice.

(i) The number of person (s) to be elected is .....*(of which one shall belong to the Scheduled Castes).

(ii) Nomination papers may be delivered to the undersigned at his office at.....or, if he is unavoidably prevented from receiving the same to.....at.....They should be presented between 11 a.m. and 3 p.m. on or before.....(date).

(iii) Forms of nomination paper may be obtained at the offices of the persons above-mentioned between the hours of.....(hour) and.....(hour) from.....(date) to.....(date).

(iv) The nomination papers will be taken up for scrutiny at..... (hours) on.....(date) in.....(place).

(v) The withdrawal to be made on.....date.....

(vi) In the event of the election being contested, the poll will take place on .....between the hours of..... and .....

Returning Officer.

Date .....

Address .....

* This will be omitted in the case of an election where the seat or any of the seats to be filled is not reserved for the Scheduled Castes.

FORM 8.

Nomination Paper.

[*See Section 36*].

Election to the Municipal Corporation of the City of..... 19.....

1. Name of the Constituency.....
2. Name of candidate.....
3. Father's/Husband's name.....
4. Age .....
5. Address .....
6. If the candidate is a member of the Schedule Castes .....
7. Constituency in the list of voters in which the name of candidate is included. .....
8. Serial number of the candidate in the Constituency list of the constituency in which his name is included .....
9. Name of the proposer.....
10. Serial number of the proposer in the constituency list of the constituency .....
11. Signature of the proposer.....

Declaration by candidate.

I hereby declare that I agree to this nomination.

Date..... Signature of candidate.

——:o:——

FORM 9.

Form of Notice of withdrawal.

[*See sub-section* (1) *of section* 40].

To

The Returning Officer,
for.....constituency of the Municipal Corporation of the City

I.....of.....a candidate nominated at the election in the above constituency do hereby give notice that I withdraw my candidature.

Dated this.....day of.....19
Place.....

Signature of candidate.

This notice of withdrawal was delivered to me at my office at.....(hours).....(date) by.....the candidate/the candidate's proposer/election agent who has been authorised in writing by the candidate to deliver it.

Returning Officer.
(Asst. Returning Officer).

FORM 10.

From of Declaration by Contesting Candidate.

[*See Section 68*].

I.....being a contesting candidate for election in the.....constituency of the Municipal Corporation of the City of .....do hereby solemnly affirm that the above return of election expenses is true to the best of my knowledge and belief, and that, except the expenses herein set forth, no expenses of any nature whatsoever have to my knowledge or belief been incurred in, or for the purpose of, my candidature.

Date..... (Candidate).

Solemnly affirmed before me by.....who is personally known to me (or who has been identified to my satisfaction by.....

Name.....
Address.....).

(Signature and full designation of Magistrate)

Seal of the Magistrate. Date.....

SCHEDULE B.

(See Section 119).

Section 12.
Section 138.
Section 141.
Section 142.
Section 148.
Section 170.
Section 171 sub-section (3).
Section 201.
Section 207.
Section 210 sub-section (1).
Section 211 sub-section (1).
Section 213 sub-sections (1) and (2).
Section 218.
Section 220.
Section 221 sub-section (1).
Section 222.
Section 223 sub-sections (1) and (2).
Section 232.
Section 233.
Section 234.
Section 235.
Section 243.
Section 244.
Section 245.
Section 248 sub-sections (3) and (5).
Section 249 sub-sections (1), (3), (4) and (5).
Section 266.
Section 267 sub-section (2).
Section 268 sub-section (1).
Section 276 sub-section (1).
Section 277 sub-section (1).
Section 293 sub-sections (1) and (2).
Section 297.
Section 298.
Section 304.
Section 306.
Section 313.
Section 316 sub-section (2).
Section 317.
Section 321.
Section 322.
Section 323.
Section 324.
Section 325.

Section 326.
Section 327.
Section 329.
Section 330.
Section 332.
Section 333.
Section 334.
Section 335.
Section 337 clauses (a), (b) and (c).
Section 338.
Section 339.
Section 345 sub-section (1).
Section 346.
Section 347.
Section 353 sub-section (1).
Section 354.
Section 357.
Section 359.
Section 360 sub-section (1).
Section 369.
Section 382 sub-sections (1) and (2).
Section 386 sub-section (1).
Section 400.
Section 402.
Section 403.
Section 405.
Section 408.
Section 410.
Section 412 sub-section (2).
Section 413.
Section 415.
Section 416.
Section 417 sub-section (2) and (3).
Section 420.
Section 421.
Section 422.
Section 428 sub-section (1).
Section 429.
Section 430.
Section 431.
Section 433.
Section 434.
Section 436.
Section 437.
Section 438 sub-section (1).
Section 440 sub-section (1) clause (a).
Section 442.

Section 443.
Section 444 clauses (a), (b) and (c).
Section 445.
Section 446.
Section 451.
Section 454.
Section 455.
Section 456.
Section 461.
Section 483.
Section 492.
Section 493.
Section 494.
Section 495.
Section 496.
Section 497.
Section 500.
Section 501.
Section 502.
Section 504.
Section 505.
Section 509.
Section 510.
Section 511.
Section 516.
Section 521.
Section 523 sub-section (1).
Section 530.
Section 534 clause (a).
Section 537.
Section 538 sub-section (1).
Section 540 sub-setcions (1) and (3).
Section 541 sub-section (1).
Section 543.
Section 544.
Section 550.
Section 552 sub-section (1).
Section 554.
Section 556 sub-section (3).
Section 618.
Section 622 subsections (4) and (5).
Section 623.
Section 637.
Section 639.
Section 641 sub-section (2).
Section 674 sub-section (1) clause (a).

SCHEDULE C

(See section 130)

Officers and servants of the Corporation belonging to Local Government Services:

1. Commissioner.
2. Deputy Commissioner.
3. Assistant Commissioner.
4. Municipal Secretary.
5. Registrar.
6. Assessor and Collector.
7. Assistant Assessor and Collector.
8. Taxation Officer.
9. Licence Officer.
10. Assistant License Officer.
11. Chief Entertainment Inspector.
12. City Engineer.
13. Assistant Engineer.
14. Supervisors.
15. Medical Officer of Health.
16. Assistant Medical Officer of Health.
17. Trained Chemist.
18. Sanitary Inspector.
19. Examiner of Accounts.
20. Assistant Examiner of Accounts.
21. Conservancy Officer.
22. Publicity Officer.

SCHDULED D.

(See section 157).

Form of Debenture.

No. for Rs. .....

By virtue of the Hyderabad Municipal Corporation Act 1955, we the Municipal Corporation of the City of Hyderabad, in consideration of the sum of.....paid to us by A.B., of.....for the purposes of the said Act, promise to pay to the said A.B., his heirs, executors, administrators and assigns, the said sum of .....together with interest at the rate of.....per centum per annum payable half-yearly on the.....day of.....and,..... day of.....

And, by way of security for the said payment, we do hereby grant and assign unto the said A.B., his heirs, executors, administrators and assigns such proportion of the moneys arising or accuring by virtue of the said Act from (the taxes mortgaged) as the sum aforesaid doth or shall bear to the whole sum which is or shalll be borrowed on the credit of the said (taxes), to hold to the said A.B., his heirs, executors, administrators and assigns from the day of the date hereof until the sum aforesaid with interest for the same at the rate aforesaid shall be fully paid and satisfied ;

And it is hereby declared that the said principal sum shall be repaid on the .....day of.....19 . .....at..... (place of payment).

Dated this.....day of.....19 .

(To be sealed with the common seal of the Corporation)

(Signed)

Municipal Commissioner on behalf of the Corporation.

This debenture has been sealed with the common seal of the Municipal Corporation of the City of.....in our presence :—

(Signed)

1..... } Members of the Standing Committee.
2..... }

SCHEDULE E

[*See Section* 194]

Duties and Powers of the Municipal Examiner of Accounts

1. (1) The municipal examiner of accounts shall audit the accounts of the Corporation as hereinafter provided, with the assistance of the assistant auditor or clerks and servants appointed under this Act.

(2) In the discharge of his functiions under this artiicle the municipal examiner of accounts shall—

(i) audit the accounts of expenditure from the revenue of the Corporation, expenditure on account of loan works and expenditure incurred out of special funds and shall ascertain whether money shown therein as having been disbursed were legally available for, and applicable to, the service or purpose to which they have been applied or charged, and whether the expenditure conforms to the authority which governs it ;

(ii) audit the accounts of debt, deposit, sinking funds, advances, suspense and remittance transactions of the Corporation and report upon those accounts and upon the results of verification of the balances relating thereto.

(3) The municipal examiner of accounts shall examine and audit the statements of accounts relating to the commercial services, conducted in any department of the Corporation, including the trading, manufacturing and profit and loss accounts, and the balance sheets where such accounts are maintained under the orders of the Corporation or the standing committee and shall certify and report upon these accounts.

(4) The municipal examiner of accounts shall, in consultation with the standing committee, and subject to any directions given by the Corporation, determine the form and manner in which his reports on the accounts of the Corporation shall be prepared and shall have authoriity to call upon any officer of the Corporation to provide any information necessary for the preparation of these reports.

2. (1) The municipal examiner of accounts may make such querries and observations in relation to any of the accounts of the Corporation which he is required to audit and call for such vouchers, statements, returns and explanations in relation to such accounts as he may think fit.

(2) Every such querry or observation as aforesaid shall be promptly taken into consideration by the officer or authority to whom it may be addressed and returned without delay with the necessary vouchers, documents or explanations to the municipal examiner of accounts.

(3) The powers of the municipal examiner of accounts with regard to disapproval of, and the procedure wiith regard to settlement of objections to expenditure from the revenues of the Corporation shall be such as may be determined by orders made by the Standing Committee in consultation wiith the municipal examiner of accounts and sanctioned by the Corporation.

3. If the municipal examiner of accounts considers it desirable that the whole or any part of the audit applied to any accounts which he is required to audit shall be conducted in the office in which these accounts originate, he may require that these accounts, together with all books and documents having relation thereto, shall at all convenient times be made available in the said offices for inspection.

4. The municipal examiner of accounts shall have power to require that any books or other documents relating to the accounts, he is required to audit shall be sent for inspection by him :

Provided that if the documents are confidential he shall be responsible for preventing disclosure of their contents.

5. The municipal examiner of accounts shall have authority to give directions on all matters relating to audit, particularly in respect of the method and the extent of audit to be applied and the raising and pursuing of objections.

6. Sanctions to expenditure accorded by the municipal examiner of accounts shall be audited by an officer to be nominated by the Corporation.

SCHEDULE F.

FORM 1.

(See section 208)

Form of Notice of Transfer to be given when the Transfer has been effected by Instrument.

To the Municipal Commissioner for the City of———————————

I, A.B., hereby give notice, as required by section.....of the Hyderabad Municipal Corporations Act, 1955, of the following transfer of property :—

Date of Notice

Date of Instrument

Name of Vendor or Assignor

Name of Purchaser or Assignee

Amount of consideration

Description of the property.

Of what it consists

Situation

No. in Assessment Book

Collector's No.

Dimensions of land

Boundaries

If instrument has been registered, the date of Registration

Remarks.

FORM 2.

(See section 208).

Form of Notice of Transfer to be given when the Transfer has taken place otherwise than by Instrument.

To the Municipal Commissioner for the City of———————————

I, A.B., hereby give notice as required by section.....of the Hyderabad Corporations Act, 1955, of the following transfer of property :—

Date of Notice

Name in which the property is at present entered in the Commissioner's Records

To whose name it is to be transferred

Description of the property.

Of what it consists

Situation

No. in Assessment Book

Collector's No.

Dimensions of Land

Boundaries

Remarks

SCHEDULE G.

(See section 239).

(1)		Maximum annual Tax (2) Rs. a. p.
1.	Motor Car (Private owned)	64 0 0
2.	Motor Car (Taxi)	75 0 0
3.	Motor Lorry or Truck up to 5 tons	130 0 0
4.	Motor Lorry or Truck over 5 tons	150 0 0
5.	R.T.D. Bus (Double decker)	300 0 0
6.	R.T.D. Bus (Single decker)	150 0 0
7.	Motor Cycle	24 0 0
8.	Auto Rickshaw (Motor Cycle Rickshaw)	40 0 0

		With Pneumatic tyres Rs.	Without Pnuematic tyres Rs.
9.	Four wheeled animal drawn vehicle with or without springs	28 0 0	36 0 0
10.	Two wheeled horse drawn vehicle which is not a tonga	26 0 0	28 0 0
11.	Two wheeled tonga with springs constructed to be drawn by one or more animals	20 0 0	22 0 0
12.	Jhatka	19 0 0	21 0 0
13.	Shakram	18 0 0	20 0 0
14.	Cart		15 0 0
15.	Thela		14 0 0
16.	Rickshaw		20 0 0
17.	Cycle		8 0 0
18.	Tricycle other than children's tricycle		6 0 0
19.	Trailer		20 0 0
20.	Ladis		15 0 0
21.	Boats		28 0 0

SCHEDULE G—(Contd.)

ANIMAL TAX.

		Rs.
1.	Race horse	50 0 0
2.	Horse (not being a race horse) pony or mule of a height of 12 hands or upwards	12 0 0
3.	Horse (not being a race horse) pony and mule of a height of less than 12 hands	8 0 0
4.	Bullock or buffalo kept for draught or pack purposes	6 0 0
5.	Donkey or ass kept for draught or pack purposes or for riding	4 0 0
6.	Elephant	5 0 0
7.	Camel	5 0 0

VEHICLE TAX.

		Minimum annual Tax Rs.
1.	Motor Cars (Private owned)	32 0 0
2.	Motor Cars (Taxi)	50 0 0
3.	Motor Lorries and trucks up to 5 tons	50 0 0
4.	Motor Lorries and trucks over 5 tons	60 0 0
5.	R.T.D. Buses double deckers	246 0 0
6.	R.T.D. Buses and Lorries over 5 tons	123 0 0
7.	R.T.D. Buses and Lorries below 5 tons	109 0 0
8.	R.T.D. Van and Oil tankers	109 0 0
9.	Motor cycle.	
	(i) with side car	15 0 0
	(ii) without side car	12 0 0
10.	Auto Rickshaws	20 0 0

SCHEDULE G—(Contd.)

	Maximum annual Tax Rs.
11. Four wheeled animal drawn vehicle with spring including 4 wheeled Victoria and Landoes:—	
(a) Private	15 0 0
(b) Taxi	22 4 0
12. Two wheeled animal drawn vehicles with spring including Baggies, Jhatkas, Togas and Shakrams :—	
(a) Private	10 0 0
(b) Taxi	15 10 0
13. Hand drawn carts used for carrying goods:—	
(a) Private	4 0 0
(b) Taxi	6 0 0
14. Single Bullock Cart :—	
(a) Private	3 0 0
(b) Taxi	4 0 0
15. Double Bullock Cart :—	
(a) Private	4 0 0
(b) Taxi	5 0 0
16. Thela	6 0 0
17. Tongas without spring :—	
(a) with Pneumatic Tyres	5 0 0
(b) without Pneumatic Tyres	6 0 0
18. Cycle :—	
(a) Private	1 12 0
(b) Taxi	3 7 0

SCHEDULE G (Contd.)

		Maximum Annual Tax Rs.
19.	Cycle Rickshaw :—	
	(a) Private	10 4 0
	(b) Taxi	15 6 0
20.	Transport Rickshaw (Private)	3 14 0
21.	Tricycles other than children's tricycle :—	
	(a) Private	3 0 0
	(b) Taxi	6 0 0
22.	Trailer	10 0 0
23.	Ladis	12 0 0
24.	Boats	16 0 0

ANIMAL TAX.

1.	Race Horse	25 0 0
2.	Each horse not being a race horse, pony of a height of twelve hands or upwards	3 0 0
3.	Each horse not being a race horse, pony or mule of a height of not less than 12 hands	2 8 0
4.	Each donkey or ass kept for draught or pack purpose or for riding	1 8 0
5.	Each bullock or buffalo kept for draught or pack purposes	0 12 0
6.	Camel	2 0 0
7.	Elephant	4 0 0

SCHEDULE H.

(See section 252).

Articles liable to Payment of Octroi.

Articles	Maximum Rates of octroi leviable
Grain of all sorts	2 annas per maund.
Flour of all sorts	75 per cent of the rate for the time being levied on the grain from which the flour is prepared.
Wines and spirits	1 Rupees per imperial gallon.
Beer	2 annas per imperial gallon.
Sugar, molasses and gur	12 annas per cwt.
Ghee	1 Rupee per quarter.
Ghee substitutes (of whatever composition) which are not pure ghee but which resemble pure ghee and are capable of being used as substitutes for pure ghee, including hydrogenated vegetable oil.	1 Rupee per quarter.
Timber, exclusive of railway sleepers	3 per cent of its market value.
Plywood or any other kind of wood prepared by artificial process	3 per cent of its market value.
Firewood	9 annas per ton.
Charcoal	1 Rupee per ton.
Tea	Re. 0-0-6 per lb.
Coal	Re. 0-7-0 per ton.
Dates, dry	Re. 0-12-0 per cwt.
Dates, wet	Re. 0-8-0 per cwt.
Cement	Re. 1-0-0 per ton.
Iron and Steel	Rs. 2-8-0 per ton.

SCHEDULE H—(Contd.)

Articles	Maximum Rates of octroi leviable
Paper—	
(a) For cards or other like purposes	Re. 1-0-0 per cwt.
(b) Strawboards	Re. 0-3-0 per cwt.
Edible—	
(a) Bacon and Ham ..	6¼ per cent ad valorem.
(b) Table Butter ..	
(c) Fruits (canned, tinned, bottled, boxed or cartoned)	
(d) Fish (canned, tinned, bottled, boxed or cartoned)	
(e) Cheese	
(f) Confectionery ..	
(g) Jams and Jellies	
(h) Milk condensed and preserved	
(i) All sorts of farinaceous foods	
(j) Pickles	
(k) Cocoa and chocolates	
(l) Biscuits and cakes ..	
(m) Lard	
(n) Fruit juices and all beverages	
(o) All kinds of food and drink not specifically provided for (canned, tinned, bottled, boxed or cartoned)	
(p) Whole milk powder	
(q) Skimmed milk powder	
(r) Mawa and milk cream	

SCHEDULE I.

(See section 257).

Persons shall be assessed by the Commissioner to the profession tax under the following classes on a scale to be determined by the Corporation from time to time:

Provided that such scale shall be subject to the maximum specified against each class:

Provided also that the proportion which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class:—

Class	Half yearly income		Maximum half-yearly tax
	More than Rs.	but not more than Rs.	Rs. as. ps.
I.	15,000	—	125 0 0
II.	12,000	15,000	100 0 0
III.	9,000	12,000	75 0 0
IV.	6,000	9,000	50 0 0
V.	4,800	6,000	37 0 0
VI.	3,000	4,800	18 0 0
VII.	1,800	3,000	9 0 0
VIII.	1,200	1,800	6 0 0
IX.	600	1,200	3 0 0

SCHEDULE J.

(See section 258).

Where the payment for admission excluding the amount of entertainment tax:

(i) does not exceed three rupees	Not less than twelve and half per cent and not more than twenty per cent on payments for admission.
(ii) exceeds three rupees but does not exceed seven rupees.	Not less than twenty one per cent and not more than twenty four per cent on payments for admission.
(iii) exceeds seven rupees	Twenty five per cent on payments for admission.

SCHEDULE K.

(See section 268).

Form of Notice of Demand.

To

A.B.....

residing at.....

Take notice that the Municipal Commissioner for the Citiy of..... demands from (you) the sum of.....due from (you) on account of (here describe the premises, vehicle or animal on account of which the tax is leviable) or the half-year (or quarter) commencing (or ending on) the.....day of.....19 ; and that if the said sum is not paid into the municipal office at..... .....or if sufficient cause for non-payment of the sum is not shown to the satisfaction of the Commissioner within fifteen days from the service of this notice, a warrant of distress will be issued for the recovery of the same, with costs.

Dated this.....day of.....19 .

(Signed)

Municipal Commissioner for the City of.....

SCHEDULE L.

(See section 269).

Form of Distress Warrant.

To (here insert the name of the officer charged with the execution of the Warrant).

Whereas A.B. of....., has not paid, or shown sufficient cause, to my satisfaction, for the non-payment of the sum of..... due for the tax mentioned in the margin for the half-year (or quarter) commencing (or terminating) on the..... day of.....19 , although the said sum has been duly demanded in writing from the said A.B. and fifteen days have elapsed since the service of the notice of demand;

This is to command you to distrain the goods and chattels of the said A.B. (or, as the case may be, any goods and chattels on the premises in respect of which the said tax is due) to the amount of the said sum of.....and such further sum as may be sufficient to defray the cost of recovering the said amount; and if within seven days next after such distress the said sum shall not be paid, together with such further sum as shall be sufficiient to defray the said costs, to sell the said goods and chattels; and having paid and deducted out of the proceeds of the sale the said sum of.....and the cost of recovering the same, to return the surplus, if any, and if the same be demanded within one year from the date of the sale, to the person whom you shall find in possession of the said goods and chattels.

If sufficient distress cannot be found of the goods and chattels of the said A.B. (or on the said premises, as the case may be), you are to certify the same to me together with this warrant.

Dated the.....day.....19 .

(Signed)

Municipal Commissioner for the
City of.....

SCHEDULE M.

(See section 271).

Form of Inventory and Notice.

To

A.B.....

residing at.....

Take notice that I have this day seized the goods and chattels specified in the inventory beneath this, for the sum of.....due for the tax mentioned in the margin for the half-year (or quarter) commencing (or terminating) on the.....day of.....19 ; and that unless you pay into the municipal office at.....the amount due, together with the costs of recovery, within seven days from the day of the date of this notice, the goods and chattels will be sold. .....

Dated this.....day of.....19

(Signature of the Officer executing the warrant).

Inventory.

(Here state particulars of the goods and chattels seized).

SCHEDULE N.

[*See section 273*].

Table of fees payable in Distraints.

Sum distrained for	Fees.
	Rs. a. p.
Under 5 Rupees	0 4 0
Rupees 5 and under 10 Rupees	0 8 0
„ 10 „ 15 „	0 12 0
„ 15 „ 20 „	1 0 0
„ 20 „ 25 „	1 4 0
„ 25 „ 30 „	1 8 0
„ 30 „ 35 „	1 12 0
„ 35 „ 40 „	2 0 0
„ 40 „ 45 „	2 4 0
„ 45 „ 50 „	2 8 0
„ 50 „ 60 „	3 0 0
„ 60 „ 80 „	3 12 0
„ 80 „ 100 „	4 8 0
Above 100 Rupees	5 0 0

The above fees are to include all expenses except when peons are kept in charge of property distrained, in which case four annas must be paid daily for each peon so employed.

——:o:——

SCHDULE O.

[*See Section 339, sub-section (3)*].

Drainage Completion Certificate.

I do hereby certify that the following work (insert full particulars of the work).....has been completed to my satisfaction; that the workmanship and the whole of the materials used are good; and that no provision of the Act or the bye-laws, and no requisition made, condition prescribed or order issued thereunder, has been transgressed in the course of the work.

(Signed)

Dated.....

SCHEDULE P.

PART I.

Articles which shall not be kept without a licence in or upon any premises.

(See Section 521).

Blood.
Dynamite.
Blasting powder.
Fulminate of mercury.
Gun-cotton.
Nitro-glycerine.
Phosphorus.

PART II.

Articles which shall not be kept without a licence, in or upon any premises in quantities exceeding at any one time maximum quantities hereunder set opposite such articles respectively :—

Articles	Maximum quantity which may be kept at any one time without a licence.
Bidi leaves	4 cwts.
Camphor	½ cwt.
Celluloid	4 cwts.
Celluloid goods	4 cwts.
Chemicals, liquid	4 gals.
Chemicals, non-liquid	¼ cwt.
Chlorate of Potash	¼ cwt.
Cinematograph film	20 lbs.
Copra	4 cwts.
Cotton refuse and waste	4 cwts.
Cottonseed	4 bags not exceeding 4 cwts
Dry leaves (Patravalie, etc.)	4 cwts.
Esas	1 cwt.
Gunpowder	5 lbs.
Matches for lighting	1 gross boxes.
Methylated spirit	10 gals.
Packing stuff (Paper cuttings, straw, etc.)	4 cwts.
Paints	5 cwts.
Old poper (waste) including old newspapers, periodicals, magazines, etc., kept for sale or for other than domestic use	4 cwts.

Petroleum as defined in the Petroleum Act, 1934	.. 10 gals.
Dangerous Petroleum as defined in the same Act	.. 3 gals.
Oil (other sorts)	.. 15 gals.
Oil seeds other than cotton-seeds	.. 1 ton
Rosin	.. ¼ cwt.
Saltpetre	.. ¼ cwt.
Sulphur	.. ¼ cwt.
Tar, pitch, dammer or bitumen	.. ½ cwt.
Turpentine	.. 1 gal.
Varnish	.. 20 gals.

PART III.

Articles which shall not be kept without a licence, in or upon any premises, for sale or for other domestic use :—

Acetylene gas
Ashes
Bamboos
Bones
Cocoanut fibre
Carbide of Calcium
Charcoal
China grass
Coal
Coke
Fat
Fins
Firewood
Fireworks
Fish (dried)
Flax
Grass
Gunny bags
Hair
Hoy.
Hemp.
Hessian cloth (Gunny bag cloth).
Hides (dried).
Hides (raw)
Hoofs.
Horns.
Jute.
Khokas or wooden boxes or barrels (manufacturing and storing).
Offal.
Rags.
Sandalwood.
Skins.
Straw.
Tallow.
Timber.
Wool (raw).

PART IV.

Trades or operations connected with trade which shall not be carried in or upon any premises without a licence.

[*See Sections 521 and 522*].

Baking.
Casting metals.
Dyeing cloth or yarn, in indigo or other colour.
Keeping of eating-houses.

Keeping of sweetmeat shops except in premises already licensed as an eating-house.

Keeping of hair dressing saloons or barber's shops.

Tanning, pressing or packing hides or skins, whether raw or dried.

Manufacturing, packing, pressing cleaning, cleansing, melting or preparing by any process whatever any of the following articles:—

Aerated waters.
Bidis (indigenous cigaretetes).
Blasting Powder.
Bones.
Bricks or tiles.
Candles.
Catgut.
Cotton or cotton refuse or cottonseed.
Cow dung cakes.
Dammer.
Dynamite.
Fat.
Fireworks.
Flax.
Gas.
Ghee.
Gunpowder.
Ice.
Lime.
Matches for Lighting.
Offal.
Oil-cloth.
Paper.
Pitch.
Pottery.
Rags.
Soap.
Sugar.
Tallow.
Tar.
Vegetable Oil.
Wood.

———:o:———

SCHEDULE Q.

(See Section 575).

Particulars to be specified in the Register of Births.

Serial Number .. .. ..

Date of birth .. .. ..

- Ward
- Ward No. of house (i.e. distinguishing number under clause (a) of section (214). Street or wadi. No. of house in street or wadi.

Parents .. ..

- Names (and surnames, if any). Occupation or profession.
- Place of birth.
- Duration of residence in the City of— Years. Months. Days.

Mother being .. .. ..

- Only wife now alive.
- One of two wives, both now alive.
- One of three or more wives all now alive.

Mother being unmarried .. ..

Child .. .. ..

- Born alive.
- Still born.
- Sex.
- Race, Caste or Nationality, Name, if any.

Note—In the case of the birth of a Hindu, the particular sub-division of his caste should be given. Christians should be separated into those of pure European parentage; those of mixed blood, viz., Indo-Europeans; and those of pure Asiatic parentage, viz., Native Christians, Negro-Africans or Siddis should be registered as such and not as Mussalmans. In the case of Europeans, their religions should be specified.

SCHEDULE R.

(See Section 575).

Particulars to be specified in the Register of Deaths.

Serial Number.

Date of birth.

Abode — Division; Sub-Division; Ward No. of house (i.e., its distinguishing No. under clause (a) of section 214). Street or wadi; No. of house in street or wadi.

Duration of residence in — Years; Months; Days.

If a stranger to or lately arrived, where from. — Village; Taluka; District.

Name (and surname, if any).

Sex.

Race, Caste or nationality.

Age. — Years; Months; Days; Still-born.

Occupation or profession of deceased or of his or her family.

Place of birth. — If in the city of———— : Division; Street or wadi; No. of house. If out of the city of———— : Village; Taluka; District.

Country to which family belongs.

Cause of death.

Duration of disease — Years; Months; Days; Hours.

Name and residence of Medical Attendant.

Place of disposal of dead, No — Buried; Burnt; Exposed.

SCHEDULE S.

(See Section 581).

Certificate of Cause of Death.

I do hereby certify that I attended the deceased.....during his last illness, and that the cause of his death was, to the best of my belief (here state particulars).

(Signed),
Medical Designation or Diploma.

Dated.

——:o:——

SCHEDULE T.

(See Section 584).

Form certifying Name given in Baptism

I.....of.....,.....do hereby certify that on the .....19 , I baptized by the name of..... .....a male child produced to me by.....,...as the.....of....., and declared by the said.....to have been born at..... on the.....19 .

(Signed by officiating Minister).

Dated.

Form certifying Name given not in Baptism.

I....., do hereby certify that the..... .....male child, born on the.....19 , at....., to .....and his wife, and registered in the division of.....on the.....19 , has received the name of.....

(Signed by Father or Mother, etc.)

Dated.

SCHEDULE U.

[*See Section 596*].

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 12, sub-section (7)	Requisition by Commissioner	One hundred rupees.
Section 196	Requisition by auditor appointed for special audit	One hundred rupees.
Section 207	Notice to be given of transfer of title	Fifty rupees.
Section 208	Requisition to produce instrument of transfer	do
Section 210.	Notice to be given of the erection of new building, etc.	do
Section 244	Notice to be given by person becoming possessed of a vehicle or animal liable to tax	do
Section 248, sub-section (3)	Return to be forwarded by an owner or person in charge of a dog	do
Section 298	Connections, with municipal drains, etc., not to be made except in conformity with section 296 or 297	One hundred rupees.
Section 299 sub-section (1)	Buildings, etc., not to be erected without permission over any drains	do
Section 301	Owner of land to allow others to carry drains through the land	Fifty rupees.
Section 302.	Requisition to enforce drainage of undrained premises situate within a hundred feet of a municipal drain	do

SCHEDULE U—(Contd.)

[*See Section 596*].

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 303	.. Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain	Fifty rupees.
Section 305, sub-section (1), clause (b).	.. Direction limiting use of drain or notice requiring the construction of a distinct drain ..	do
Section 306	.. New buildings not to be erected without drains	Five hundred rupees.
Section 308	.. Excrementitious matter not to be passed into cess-pool ..	One hundred rupees.
Section 309	.. Owners of drains to allow use thereof, or joint ownership therein, to others	Fifty rupees.
Section 318	.. Drains not to pass beneath buildings	Two hundred rupees.
Section 314	.. Provisions as to position of cess-pools	do
Section 316, sub-section (2).	.. Requisition to cover or ventilate drain or Cesspool	Fifty rupees.
Section 321, sub-section (1).	.. Water-closets and privies not to be constructed without permission or in contravention of terms prescribed	Two hundred rupees.
Section 322	.. Buildings newly erected or re-erected to be provided with water-closets and other accommodation	do

SCHEDULE U—(Contd.)

[*See Section 596*].

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Sectioin 323, sub-section (1).	.. Requisition to enforce provision of privy accommodation, etc.	Fifty rupees.
Section 324	.. Requisition to provide privy accommodation for factories, etc.	Two hundred rupees.
Section 325	.. Requisition respecting unhealthy privies	do
Section 326	.. Provisions as to privies ..	Fifty rupees.
Section 327	.. Provisions as to water-closets ..	do
Section 328	.. Positions of privies and water-closets	Two hundred rupees.
Section 329	.. Provisions as to use of places for bathing or washing clothes or domestic utensils ..	Fifty rupees.
Section 335	.. Requisition to effect sanitary repairs, etc.	do
Section 337	.. Prohibition of acts contravening the provisions of Chapter IX or done without sanction ..	One hundred rupees.
Section 339, sub-sections (1) & (4).	.. Provisions as to employment of licensed plumber and use of work	Two hundred rupees.
Section 339, sub-sections (2) & (3).	.. Licensed plumber to give and sign certificate	Fifty rupees.

SCHEDULE U—(Contd.)

[*See Section 596*].

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 349, sub-section (1).	.. Buildings, etc., not to be erected over watermain without permission	One hundred rupees.
Section 350, sub-section (2).	.. Water not to be carried away from public water-supply for sale, and not to be carried in any vehicle, without permission	Fifty rupees.
Section 351, sub-section (2).	.. Public water supply set apart for particular purpose, not to be used for other purpose ..	Twenty rupees.
Section 352, sub-section (2)	.. Requisition to obtain private water-suply and to provide supply and distributing pipes, etc., ...	Two hundred rupees
Section 353, sub-section (1).	.. Provisions as to the making and renewing of connections with municipal water works ..	Two hundred rupees
Section 353, sub-section (5).	.. Provision as to unauthorised connections with municipal water works, etc.	Fifty rupees
Section 354, sub-section (3).	.. Requisition to provide cistern and fitting or means of access to any cistern	Fifty rupees.
Section 356	.. Supply or distributing pipes, etc., be kept in efficient repair by owner or occupier of premises	One hundred rupees.
Section 359, Sub-section (2).	.. Requisition to remedy defect in meter, supply or distributing pipe, etc.	Fifty rupees.

SCHEDULE U—(Contd.)

[*See Section 596*].

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 361	.. Conditions as to use of water not to be contravened ..	One hundred rupees
Section 363	.. Water pipes, etc., not to be placed where water will be poluted	One hundred rupees
Section 364	.. Prohibition of fraudulent and unauthorised use of water ..	One hundred rupees
Section 365, sub-section (1).	.. Prohibition of fraud in respect of meters	One hundred rupees
Section 366	.. Prohibition of wilful or neglectful acts relating to water works	One hundred rupees
Section 371 sub-section (1)	.. Work under Chapter X to be done by licensed plumber ..	Two hundred rupees
Section 371, sub-section (2).	.. Name of licensed plumber to be furnished	Fifty rupees. rupees
Section 381, sub-section (4).	.. Construction of building, within the regular line of street without permission	One thousand rupees.
Section 392, sub-section (1)	.. Land not to be appropriated for building and private street not to be laid out until expiration of notice nor other wise than in accordance with Commissioner's direction ..	Five hundred rupees

SCHEDULE U—(Contd.)

[*See Section 596*].

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 394	.. Requisition as to levelling and draining of private streets	.. One hundred rupees.
Section 397, sub-section (1).	.. Prohibition of projections upon streets, etc.	.. Two hundred rupees
Section 397, sub-section (2).	.. Requisition to remove the same	do
Section 398, sub-sections (1)	.. Requisition to remove or alter projections	.. do
Section 400.	.. Ground floor doors, etc., not to open outwards on streets	.. Twenty rupees
Section 401, sub-section (1).	.. Prohibition of structures or fixtures causing obstruction in streets	.. One hundred rupees.
Section 402, sub-section (1).	.. Prohibition of deposits, etc., of things in streets	.. One hundred rupees.
Section 403	.. Prohibition of hawking articles for sale in a public place or street without a licence.	Fifty rupees.
Section 404	.. Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence	.. do
Section 406	.. Requisition to remove structures or fixtures	.. One hundred rupees.
Section 407, sub-section (1).	.. Prohibition of the tethering of animals in public streets	.. Twenty rupees

SCHEDULE U—(Contd.)

(See Section 596).

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 410, sub-section (2).	Direction to close street in which work is in progress	Fifty rupees.
Section 412, sub-section (2).	Shoring-timber fence, etc., employed to secure public safety while municipal works are in progress not to be removed	do
Section 413 sub-section (1).	Streets not to be opened or broken up and building materials not to be deposited thereon without permission	One hundred rupees.
Section 414	Precautions for public safety to be taken by persons to whom permission is granted	Fifty rupees.
Section 415, sub-section (1).	Persons to whom permission is granted must reinstate streets.	do
Section 416	Provision to made by persons to whom permission is granted for traffic, etc., when their works interrupt streets	Two hundred rupees
Section 417	Hoards to be set up during work on any building adjacent to a street	Fifty rupees.
Section 418, sub-section (2).	Name of street and number of house not to be destroyed or defaced	Twenty rupees
Section 420, sub-section (1).	Sky-signs not to be erected or retained without permission	One hundred rupees.

SCHEDULE U—(Contd.)

(See Section 596).

Section, sub-section or clause	Subject	Fine which may be imposed
(1)	(2)	(3)
Section 421, sub-section (1)	.. Advertisement on certain sites, vehicles, etc., not to be exhibited without permission ..	One hundred rupees.
Section 423, sub-section (1)	.. Requisition to repair, protect or enclose dangerous place ..	Fifty rupees.
Section 425	.. Prohibition of removal, etc., of lamps	One hundred rupees.
Section 436	.. Provision for supervision of buildings and works ..	Five hundred rupees.
Section 440, sub-section (1)	.. Work not to be commenced without notice	One thousand rupees
Section 441	.. Building not to be converted to other purposes without the permission of the Commissioner	Five hundred rupees.
Section 442	.. Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission	Five hundred rupees.
Section 443	.. Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc., ...	do
Section 445	.. Roofs and external walls of buildings not to be of inflammable material	Ten rupees.

SCHEDULE U—(Contd).

(See Section 596).

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 446 & 447	.. Provisions as to height of building	One thousand rupees.
Section 448	.. Provisions as to height of frame buildings	do
Section 449	.. Alteration and provision of staircase exit in event of fire	One hundred rupees.
Section 454	.. Provisions for enforcement of provisions concerning building and works	One thousand rupees
Section 455	.. Provisions as to completion certificates; permission to occupy or use	Five hundred rupees.
Section 456	.. Requisition to remove structures which are in ruins or likely to fall	do
Section 483 sub-sections (1), (2), (3) and (4)	.. Collection, removal and deposit of refuse and provision of receptacles	Twenty rupees.
Section 485	.. Collection and removal or excrementitious and polluted matter to be provided for by occupiers in certain cases ..	Twenty rupees
Section 486	.. Scavenger's duties in certain cases not to be discharged by private individuals without permission	Ten rupees
Section 487	.. Provisions as to removal of refuse	Fifty rupees.

SCHEDULE U—(Contd).

(See Section 596).

Section, sub-section or clause	Subject	Fine which may be imposed
Section 493 ..	Requisition to cleanse and lime-wash building	Fifty rupees
Section 494 ..	Requisition to remove building materials, etc., from any premises	do
Section 496	Requisition to cleanse, etc., neglected premises	do
Section 497, sub-section (1) and (2). ..	Requisition to abate or to prevent recurrence of a leakage in the roofs of buildings ..	Fifty rupees.
Section 409 sub-section (2) ..	Provisions as to buildings unfit for human habitation ..	Five hundred rupees.
Section 500 ..	Owner or occupier of a house, within seven days of receipt of notice, to give statement of accommodation	Two hundred rupees.
Section 501 sub-section (1) ..	Requisition by Magistrate to abate overcrowding ..	do
Section 501 sub-section (3) ..	Requisition by owner pursuant to order under sub-section (1)	do
Section 502 ..	Requisition to remove or alter insanitary huts	Fifty rupees.
Section 504 ..	Requisition to fill in pools, etc., which are a nuisance ..	One hundred and fifty rupees.
Section 505 sub-section (1) ..	Digging or constructing well, etc., without permission ..	Two hundred & Fifty rupees.
Section 505 sub-section (2) ..	Requisition to fill in or demolish well, etc.	Two hundred & Fifty rupees.

SCHEDULE U—(Contd.)

(See Section 596).

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 508	.. Requisition to discontinue quarrying	Five hundred rupees.
Section 509 sub-section (1)	.. Requisition to remove or trim trees, shrubs or hedges ..	Fifty rupees
Section 510 sub-section (1)	.. Prohibition as to the keeping of animals	do
Section 511	.. Requisition to discontinue, etc., stabling animals or storing grain in dwelling house ..	Fifty rupees
Section 512 sub-section (1)	.. Prompt notice to be given to Health Department for removal of carcasses of dead animals	Ten rupees
Section 514 clauses (e), (f), and (g).	.. Prohibition of bathing, etc., contrary to order or regulation ..	Ten rupees
Section 516	.. Factory, etc., not to be newly established or worked without permission	One thousand rupees.
Section 519 sub-section (1).	.. Requisition for sanitary regulation of factories, etc. ..	Two hundred rupees.
Section 520 sub-section (1).	.. Prohibition of use of steam whistle, etc., without permission	do
Section 521 sub-section (1)	.. Certain things not to be kept and certain trades and operations not to be carried on, without a licence ..	Five hundred rupees.

SCHEDULE U—(Contd).

(See Section 596).

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 521 sub-section (5)	Licence to be kept on the premises	Twenty rupees.
Section 522, sub-section (1)	Prohibition of corruption of water by chemicals, etc.	One thousand rupees
Section 524 sub-section (1)	Regulation of washing of clothes by washermen	Twenty rupees.
Section 528 sub-section (1)	Prohibition of sale in municipal market without licence	Fifty rupees.
Section 529 sub-section (2)	New private market not to be opened without sanction	One thousand rupees.
Section 530, sub-section (1) clause (a)	Private market not to be kept open without licence	Fifty rupees
Section 530 sub-section (1) clauses (b) and (c)	Using place as slaughterhouse without licence, within or without city	Two hundred rupees.
Section 531	Prohibition of sale in unauthorized private markets	Fifty rupees.
Section 532	Requisition to pave and drain private market, buildings and slaughterhouses	Two hundred rupees
Section 533	Regulations framed for markets and slaughter-houses	Fifty rupees

SCHEDULE U—(Contd).

(See Section 596)

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 535	Removal of cattle, sheep, goats or swine from any municipal slaughterhouse, market or premises	Fifty rupees
Section 536 sub-section (2)	Regulations and table of stallage-rents posted up in markets and slaughterhouses not to be destroyed or defaced	Ten rupees.
Section 538 sub-section (1)	Prohibition of sale of animals, etc., except in a market	Fifty rupees.
Section 539	Butchers and persons who sell the flesh of animals to be licensed	One hundred rupees.
Section 540 sub-sections (1)	Prohibition of import of cattle, etc., into the city without permission	One hundred rupees.
Section 549	Information to be given of existence of infectious disease by medical practitioners	One hundred rupees.
Section 551 sub-section (2).	Prohibition of use for drinking of water likely to cause infectious disease	Two hundred rupees.
Section 552 sub-sub-section (2)	Direction to remove patients to hospitals	One hundred rupees.

SCHEDULE U—(Contd).

(See Section 596)

Section, sub-section or clause	Subject	Fine which may be imposed
(1)	(2)	(3)
Section 554, sub-section (1)	Requisition to disinfect buildings	One hundred rupees
Section 556 sub-section (2).	Where a place for washing of infected artciles has been appointed such articles not to be washed at places not so appointed	One hundred rupees
Section 556 sub-section (3).	Direction to disinfect or destroy infected articles	One hundred rupees
Section 557 sub-section (1).	Persons suffering from infectious disease not to enter a public conveyance without notifying the same	Fifty rupees
Section 559	Provisions as to carriage of persons suffering from infectious disease in public conveyance	Five hundred rupees
Section 560	Public conveyance which has carried a person suffering from infectious disease to be disinfected	Five hundred rupees.
Section 562 sub-section (1).	Infected article not to be transmitted, etc., without previous disinfection	Five hundred rupees.
Section 563 sub-section (1).	Infected building not to be let without being first disinfected	Five hundred rupees.

SCHEDULE U—(Contd).

(See Section 596)

Section, sub-section or clause	Subject	Fine which may be imposed
(1)	(2)	(3)
Section 566	Places for the disposal of the dead to be registered	One hundred rupees
Section 568	New places for disposal of the dead not to be opened without permission	Five hundred rupees.
Section 571 sub-section (1).	Prohibition of burials within places of worship and exhumation without permission	Five hundred rupees
Section 572	Acts prohibited in connection with the disposal of the dead	One hundred rupees.
Section 577 sub-section (1).	Information of birth to be given within seven days	One hundred rupees.
Section 578	Information respecting finding of newborn child to be given	One hundred rupees.
Section 580	Information of death to be given at the time when the corpse of the deceased is disposed of	One hundred rupees
Section 581 sub-section (1).	Medical practitioner who attended a deceased person to certify the cause of his death	One hundred rupees
Section 591 sub-section (1).	Boards for exhibiting bye-laws to be open to inspection	Fifty rupees

SCHEDULE U—(Contd).

(See Section 596)

Section, sub-section or clause (1)	Subject (2)	Fine which may be imposed (3)
Section 591 section (2).	.. The same not to be injured ..	Ten rupees.
Section 619	.. Regulations prescribed for licensed surveyors and plumbers ..	Twenty rupees
Section 620	.. Licensed plumber not to demand or receive more than the prescribed fee	Twenty rupees.
Section 621	.. Licensed plumber to be bound to execute work properly ..	Twenty rupees.
Section 622 sub-section (5).	.. Grantee to be bound to produce licence or written permission	Fifty rupees.
Section 623	.. Milk, butter, etc., not to be sold without a licence	One hundred rupees.
Section 657 sub-section (3).	.. Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by the Judge ..	Two hundred rupees.

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SCHEDULE V.

(See Section 597).

Section, sub-section or clause (1)	Subject (2)	Daily fine which may be imposed (3)
Section 298	.. Connections with municipal drains, etc., not to be made ..	Ten rupees.
Section 299 sub-section (1).	.. Buildings, etc., not to be erected without permission over any drains	Five rupees.
Section 301	.. Owner of land to allow others to carry drains through the land	Five rupees.
Section 302	.. Requisition to enforce drainage of undrained premises within a hundred feet of a municipal drain	Five rupees.
Section 303	.. Requisition to enforce drainage of undrained premises not situate within a hundred feet of a municipal drain ..	Five rupees
Section 305 sub-section (1).	.. Direction limiting use of drain or notice requiring the construction of a distinct drain ..	Five rupees
Section 309	.. Owners of drains to allow use thereof or joint ownership therein to others	Five rupees
Section 313	.. Drains not to pass beneath buildings	Ten rupees.
Section 316, sub-section (2).	.. Requisition to cover to ventilate drain or cesspool	Five rupees.
Section 323 sub-section (1).	.. Requisition to enforce provision of privy accommodation, etc ..	Five rupees.
Section 324	.. Requisition to provide privy accommodation for factories, etc.	Twenty rupees.

SCHEDULE V.—(Contd.)

(See Section 597).

Section, sub-section or clause (1)	Subject (2)	Daily fine which may be imposed (3)
Section 325	Requisition respecting unhealthy privies	Twenty rupees.
Section 326, sub-section (1)	Provisions as to privies	Five rupees.
Section 327	Provisions as to water-closets	Five rupees.
Section 335	Requisition to effect sanitary repairs, etc.	Five rupees.
Section 337	Prohibition of acts contravening the provisions of Chapter IX or done without sanction	Ten rupees
Section 339, sub-sections (1) & (4).	Provisions as to employment of licensed plumber and use or work	Fifty rupees.
Section 339 sub-sections (2) & (3).	Licensed plumber to give and sign certificate	Ten rupees
Section 349, sub-section (1).	Buildings, etc., not to be erected over water main without permission	Ten rupees
Section 381, sub-section (4).	Buildings not to be constructed within the regular line of street without permission	One hundred rupees
Section 394	Requisition as to levelling and draining of private streets	Ten rupees.
Section 401, sub-section (1)	Prohibition of structures or fixtures causing obstruction in streets	do
Section 402, sub-section (1)	Prohibition of deposit, etc., of things in streets	do

SCHEDULE V.—(Contd.)

(See Section 597).

Section, sub-section or clause (1)	Subject (2)	Daily fine which may be imposed (3)
Section 403	.. Prohibition of hawking or exposing for sale any article in a public place or street without a licence	Five rupees.
Section 404	.. Prohibition in a public place or street, of use of skill in handicraft or in rendering services without licence	do
Section 406	.. Requisition to remove structures or fixtures	Ten rupees.
Section 413 sub-section (1)	.. Streets not to be opened or broken up and building materials not to be deposited thereon without permission ..	Fifty rupees.
Section 414	.. Precautions for public safety to be taken by persons to whom permission is granted ..	do
Section 415, sub-section (1)	.. Persons to whom permission is granted must reinstate streets	Ten rupees.
Section 417	.. Hoards to be set up during work on any building adjacent to a street	Twenty rupees.
Section 420, sub-section (1)	.. Sky-signs not to be erected or retained without permission	Ten rupees.
Section 421, sub-section (1)	.. Advertisements on certain sites, vehicles, etc., not to be exhibited without permission ..	do

SCHEDULE V.—(Contd.)

(See Section 597).

Section, sub-section or clause (1)	Subject (2)	Daily fine which may be imposed (3)
Section 422, sub-section (1)	.. Requisition to repair, protect or enclose dangerous place ..	Five rupees.
Section 436	.. Provision for supervision of buildings and works ..	One hundred rupees.
Section 440, sub-section (1)	.. Work not to be commenced without notice	do
Section 441	.. Building not to be converted to other purposes without the permission of the Commissioner	do
Section 442	.. Building or any part of a building originally constructed or authorised to be used for human habitation not to be used as a godown, etc., without permission	One hundred rupees.
Section 443	.. Building originally constructed or authorised to be used for human habitation not to be altered without permission for the purpose of using it as a godown, etc.	do
Section 445	.. Roofs and external walls of buildings not to be of inflammable material	Five rupees.
Section 446 and 447	.. Provisions as to height of buildings.	One hundred rupees.
Section 448	.. Provisions as to height of frame buildings ..	do

SCHEDULE V.—(Contd.)

(See Section 597).

Section, sub-section or clause (1)	Subject (2)	Daily fine which may be imposed (3)
Section 449	.. Alteration and provision of stair-cases to allow safe exit in event of fire	Ten rupees.
Section 455	.. Provisions as to completion certificate: permission to occupy or use	One hundred rupees.
Section 456	.. Requisition to remove structures which are in ruins or likely to fall	do
Section 483, sub-sections (1), (2), (3) & (4).	.. Collection, removal and deposit of refuse and provision of receptacles	Ten rupees.
Section 487	.. Provisions as to removal of refuse	Ten rupees.
Section 493	.. Requisition to cleanse and lime-wash buildings	Five rupees
Section 494	.. Requisition to remove building materials, etc., from any premises	do
Section 496	.. Requisition to cleanse, etc., neglected premises	do
Section 497, sub-sections (1) & (2)	.. Requisition to abate or to prevent recurrences of leakage in the roofs of buildings ..	Fifteen rupees.
Section 500	.. Owner or occupier of a house, within seven days of receipt of notice to give statement of accommodation	Twenty rupees.

SCHEDULE V.—(Contd.)

(*See Section 597*).

Section, sub-section or clause (1)	Subject (2)	Daily fine which may be imposed (3)
Section 501, sub-section (1)	.. Requisition by Magistrate to abate over-crowdinig ..	Twenty rupees.
Section 501, sub-section (3)	.. Requisition by owner pursuant to order under sub-section (1)	Twenty rupees.
Section 502	.. Requisition to remove or alter insanitary hut	Five rupees.
Section 504	.. Requisition to fill in pools, etc., which are a nuisance ..	Fifty rupees.
Section 505 sub-section (2)	.. Requisition to fill in or demolish well, etc.	Twenty rupees.
Section 508	.. Requisition to discontinue dangerous quarrying ..	One hundred rupees.
Section 509 sub-section (1)	.. Requisition to remove or trim trees, shrubs or hedges ..	Five rupees.
Section 510 sub-section (1)	.. Prohibition as to the keeping of animals	do
Section 511	.. Requisition to discontinue, etc., stating animals in dwelling houses	Twenty rupees.
Section 516	.. Prohibition of working of factory, etc., established without written permission	Five hundred rupees.
Section 519, sub-section (1).	.. Requisition for sanitary regulation of factories etc., ..	One hundred rupees.

SCHEDULE V.—(Contd.)

(*See Section 597*).

Section, sub-section or clause (1)	Subject (2)	Daily fine which may be imposed (3)
Section 521, sub-section (1)	.. Certain things not to be kept, and certain trades not to be carried on, without a licence ..	Fifty rupees.
Section 521 sub-section (4)	.. Licence to be kept on the premises	Five rupees.
Section 522 sub-section (1)	.. Prohibition of corruption of water by chemical etc. ..	Five hundred rupees
Section 524	.. Regulation of washing of clothes by washermen	Five rupees.
Section 530 sub-section (1)	.. Private markets not to be kept open without license ..	Fifty rupees
Section 532	.. Requisition to pave and drain privte market buildings and slaughter-houses	Fifty rupees
Section 539	.. Butchers and persons who sell the flesh of animals to be animals to be licensed ..	Ten rupees.
Section 554, sub-section (1)	.. Requisition to disinfect buildings	Ten rupees.
Section 621	.. Licensed plumber to be bound to execute work properly ..	Five rupees.
Section 622, sub-section (5)	.. Grantee to be bound to produce licence or written permission	Ten rupees
Section 623	.. Milk, butter, etc., not to be sold without a licence	Five rupees.
Section 657, sub-section (3)	.. Occupier of building or land to afford owner facilities for complying with provisions of this Act, etc., after eight days from issue of order by the Judge	Fifty rupees

THE HYDERABAD STATE SUPPLEMENTARY APPROPRIATION ACT,1956.

No. IV OF 1956.

(Received the assent of the Rajpramukh on 31st March, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 31st March, 1956).

An Act to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on 31st day of March, 1956.

WHEREAS it is expedient to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1956 ; Preamble.

BE it enacted in the Seventh Year of Our Republic as follows :—

1. (1) This Act may be called the Hyderabad State Supplementary Appropriation Act, 1956. Short title and commencement.

(2) It shall come into force at once.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 5 of the Schedule amounting in aggregate to the sum of Rupees five crores, fifty-one lakhs, seventy-eight thousand, seven hundred and thirteen, towards defraying the several charges coming in course of payment during the year ending on the 31st day of March, 1956 in respect of the services specified in column 2 of the Schedule. Issue of Rs. 5,51,78,713 out of the Consolidated Fund of the State of Hyderabad for the year 1955-56.

3. The sum authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1956. Appropriation.

SCHEDULE.

(See Sections 2 and 3).

Serial No.	Services and purposes	Sums not exceeding: Charged on the Consolidated Fund	Sums not exceeding: Other expenditure to be met out of the Consolidated Fund	Total
1	2	3	4	5
	A.—Revenue Expenditure.	Rs.	Rs.	Rs.
1.	7-Land Revenue	..	14,10,755	14,10,755
2.	10-Forest	..	1,75,532	1,75,532
3.	12-Charges on account of Motor Vehicles Acts	..	12,075	12,075
4.	13-Other Taxes and Duties	..	50,962	50,962
5.	XVII-Irrigation, Navigation, Embankment, etc. (Commercial)	..	1,40,000	1,40,000
6.	18-Other Revenue Expenditure financed from Ordinary Revenues	..	5,400	5,400
	22-Interest on Debt and Other Obligations	19,68,181	..	19,68,181
7.	25-General Administration	..	10,16,442	10,16,442
8.	27-Administration of Justice	..	26,000	26,000
9.	37-Education	..	300	300
10.	38-Medical	..	100	100
11.	39-Public Health	..	5,250	5,250
12.	40-Agriculture	1,16,174	100	1,16,274
13.	41-Veterinary	..	1,25,100	1,25,100
14.	43-Industries & Supplies ..	..	200	200
15.	47-Miscellaneous Depts. ..	..	2,21,855	2,21,855
16.	50-Civil Works	..	500	500

SCHEDULE (Contd).

Serial No.	Services and purposes	Sums not exceeding		
		Charged on the Consolidated Fund	Other expenditure to be met out of the Consolidated Fund	Total
1	2	3	4	5
17.	52-A. Other Revenue Expenditure connected with Electricity Schemes	..	5,000	5,000
18.	XLI-Receipts from Electricity Schemes—Working Expenses	..	1,09,394	1,09,394
19.	54-A. Territorial and Political Pensions	..	6,00,000	6,00,000
	55-Superannuation Allowances and Pensions	81,000	..	81,000
20.	55-A Commutation of Pensions from Ordinary Revenues	..	5,00,000	5,00,000
21.	56-Stationery and Printing ..	..	4,74,200	4,74,200
22.	57-Miscellaneous	21,858	8,21,453	8,43,311
23.	63-B. Community Development Projects	..	82,15,167	82,15,167
	Total Expenditure of Revenue Account ..	21,87,213	1,39,15,785	1,61,02,998
	B.—Capital Account.			
24.	68-Irrigation, etc., Projects ..	..	46,584	46,584
25.	72-Capital Outlay on Industrial Development	..	4,31,595	4,31,595
26.	80-A. Capital Outlay on Multipurpose River Schemes ..	..	37,00,000	37,00,000
27.	81-Civil Works	..	4,00,200	4,00,200
28.	82-B. Capital Outlay on Road Transport Schemes ..	..	2,00,200	2,00,200

SCHEDULE.

Serial No.	Services and purposes	Sums not exceeding: Charged on the Consolidated Fund	Sums not exceeding: Other expenditure to be met out of the Consolidated Fund	Total
1	2	3	4	5
29.	83-Payment of Commuted Value of Pensions	..	5,00,000	5,00,000
30.	85-A. Capital Outlay on State Schemes of State Trading ..	..	14,56,417	14,56,417
	Total Capital Account ..	..	67,34,996	67,34,996
	C—DEBT HEADS			
	N-Public Debt	3,13,39,719	..	3,13,39,719
31.	P-Loans and Advances by the State Government	..	10,01,000	10,01,000
	Total Debt Heads ..	3,13,39,719	10,01,000	3,23,40,719
	Grand Total	3,35,26,932	2,16,51,781	5,51,78,713

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THE HYDERABAD STATE APPROPRIATION ACT, 1956.

No. V OF 1956.

(Received the assent of the Rajpramukh on 31st March, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 31st March, 1956).

An Act to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1957.

Preamble.

WHEREAS it is expedient to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Hyderabad for the service of the year ending on the 31st day of March, 1957;

BE it enacted in the Seventh Year of Our Republic as follows:—

Short title and commencement.

1. (1) This Act may be called the Hyderabad State Appropriation Act, 1956.

(2) It shall come into force at once.

Issue of Rs. 65,01,18,789 out of the Consolidated Fund of the State of Hyderabad for the year ending on 31st day of March, 1957.

2. From and out of the Consolidated Fund of the State of Hyderabad there may be paid and applied sums not exceeding those specified in column 6 of the Schedule amounting in aggregate to the sum of Rupees Sixty-five crores, One lakh, Eighteen thousand, Seven hundred and Eighty-Nine, towards defraying the several charges which will come in course of payment during the year ending on the 31st day of March, 1957, in respect of the services specified in column 2 of the Schedule.

Appropriation.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Hyderabad by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1957.

SCHEDULE.

(See Sections 2 and 3).

Serial No.	Services and Purposes	Head of Account	Sums not exceeding: Voted by the Legislative Assembly	Sums not exceeding: Charged on the Consolidated Fund	Total
1	2	3	4	5	6
			Rs.	Rs.	Rs.
1.	Land Revenue	.. 7-Land Revenue (excluding Dist. Administration)	92,74,000	..	92,74,000
2.	State Excise Duties	.. 8-State Excise Duties	72,49,530	1,18,470	73,68,000
3.	Stamps	.. 9-Stamps	1,16,900	..	1,16,900
4.	Do	.. 9-C. Cost of Stamps supplied from State Stamps Stores	1,87,100	..	1,87,100
5.	Forest	.. 10-Forests	44,96,000	..	44,96,000
6.	Registration	.. 11-Registration	4,52,000	..	4,52,000
7.	Charges on account of Motor Vehicles Acts	.. 12-Charges on account of Motor Vehicles Acts	22,00,000	..	22,00,000
8.	General Sales Tax	.. 13-Other Taxes and Duties (excluding D-1. Office of the Chief Electrical Inspector)	18,82,150	..	18,82,150

9.	Charges under the Electricity city Acts.	13-B (1) Office of the Chief Electrical Inspector	1,22,850	..	1,22,850
10.	Irrigation ..	XVII-Irrigation, etc., Works (Commercial—Working Expenses	16,45,500	..	16,45,500
11.	Do ..	XVII-Irrigation, etc., Works (Commercial)—Collection Charges of Revenue.	61,600	..	61,600
12.	Do ..	18-Other Revenue Expdr. financed from Ordinary Revenues	45,23,000	..	45,23,000
	Debt Services ..	22-Interest on Debt and other obligagations	..	2,24,80,570	2,24,80,570
	Do ..	23-Appropriation for Reduction or Avoidance of Debt	..	1,35,18,900	1,35,18,900
13.	Heads of States, Ministers Secretariat & Headquarters Establishments and Miscellaneous.	25-General Admn. excluding State Legislature, Elections, Inspection of Accounts, Industrial Trust Fund, Dist. Admn., Board of Revenue, Religious Endowments, Atiyat Office, Officer-in-Charge, Cash Grants, Anti-Corruption & Debt Conciliation Board, but including N-3. Chief Inspector of Government Offices	67,16,214	3,16,700	70,32,914
14.	Heads of States, Ministers, Secretariat & Headquarters Establishments & Miscellaneous.	25-General Adm. Board of Revenue, including Religious Endownments and L (1) Dist. Administration, including N-1. Atiyat Officer and N-2: Officer-in-Charge, Cash Grants and Q-Court of Wards	96,35,800	..	96,35,800

SCHEDULE.—*(Contd.)*

1	2	3	4	5	6
			Rs.	Rs.	Rs.
15.	State Legislature and Elections.	.. 25-General Administration-B-State Legislature and C-Elections	34,12,850	34,000	34,46,850
16.	Anti-Corruption	.. 25-General Admn.-H-19. Anti-Corruption	2,50,200	..	2,50,200
17.	District Administration	.. 25-General Admn.-Inspection of Accounts, E-Dist. Administration, excluding N-Other Establishments and L (1) and L (2) District Administration, including O (3) Small Savings Advisory Committee and Industrial Trust Fund	26,21,600	..	26,21,600
18.	Miscellaneous	.. 25-General Admn-O-1. Debt Conciliation Board	1,400	..	1,400
19.	Administration of Justice.	.. 27-Administration of Justice, excluding Debt Conciliation Board	46,29,400	8,77,600	55,07,000
20.	—Do—	.. 27-Administration of Justice, E-4. Debt Conciliation Board	10,000	..	10,000
21.	Jails and Convict Settlements.	.. 28-Jails and Convict Settlements ..	24,83,000	..	24,83,000
22.	Police	.. 29-Police	3,23,88,410	..	3,23,88,410
23.	Mines	.. 36-Scientific Departments — A-Departments of Mines and Geology ..	1,25,900	..	1,25,900

24.	Archaeology	.. B-Archaeological Department and D-Museum	2,63,500	..	2,63,500
25.	City Survey and Stores	.. C-City Survey and Stores Department ..	17,600	..	17,600
26.	Education	.. 37-Education	6,86,01,751	..	6,86,01,751
27.	Medical	.. 38-Medical (excluding B-4)	1,44,26,453	..	1,44,26,453
28.	Do	.. 38-Medical—B-4. Chargeable to Community Development Projects ..	59,046	..	59,046
29.	Public Health	.. 39-Public Health (excluding Hyderabad Drainage, Water Works and Well Sinking Department, Contribution to Municipalities and Contribution to District Water Works)	61,76,652	..	61,76,652
30.	Do	.. 39-Public Health-A-11. Hyderabad Water Works	13,09,160	..	13,09,160
31.	Public Health	.. 39-Public Health—A-13. Well Sinking, A-15 Dist. Water Works, and B-4. Contribution to Municipalities (Sanitary Inspectors and Dist. Water Works)	21,15,760	..	21,15,760
32.	Agriculture	.. 40--Agriculture	1,10,88,674	..	1,10,88,674
33.	Marketing	.. do I-Marketing Dept. ..	5,83,200	..	5,83,200
34.	Development	.. do I-Development Schemes	15,52,972	..	15,52,972
35.	Veterinary	.. 41-Veterinary	42,27,310	..	42,27,310
36.	Co-operation	.. 42-Co-operation	45,13,100	..	45,13,100
37.	Co-operation	.. 42-Co-operation—C-I. Expenditure chargeable to Co-operative Marketing and Agricultural Development Fund ..	2,20,340	..	2,20,340

SCHEDULE.—*(Contd.)*

1	2	3	4	5	6
			Rs.	Rs.	Rs.
38.	Industries	.. 43-Industries & Supplies—A-Industries.	48,76,103	..	48,76,103
39.	Fisheries	.. do B-Fisheries ..	9,22,412	..	9,22,412
40.	Iron and Steel Controller	.. do F-1. Iron & Steel Controller ..	29,100	..	29,100
41.	Miscellaneous Depts.	.. 47-Misc. Depts.—A-Inspector of Factories and Boilers, B-Labour Commissioner's Office and Industrial Court of Labour Disputes and F-4 and 5. Directorate of Resettlement and Employment and Further Education Scheme.	15,03,590	..	15,03,590
42.	Miscellaneous Depts.	47-Misc. Depts.—C-Bureau of Economics and Statistics, F-3. State Employees Life Insurance Scheme, F-19. Insurance Premia against Air Risk and F-20. Partnership Act	9,47,249	..	9,47,249
43.	do	.. 47-Misc. Depts. — D-Central Records Office, E-Fire Services	6,83,121	..	6,83,121
44.	do	.. 47-Misc. Depts.—F-6. Director, Social Service Dept. F-7. Auxiliary Home, F-8. Kutti Vellodi Children Home, F-9. Children Protection Establishment :			

	Miscellaneous Depts.—(Contd.)	F-10. Harijan Welfare, F-11. Home for Beggars, F-13. Amelioration of Backward Classes, F-14. Welfare of ex-criminal Tribes, F-15. Lumpsum Contribution of S.C.S.B., F-18. Welfare of Scheduled Tribes, F-21. Expdr. from Scheduled Castes Scholarship Board Fund, F-25. Establishment for Vigilance Home, F-26. Home for Girls and G-1. Expdr. incurred towards Grants-in-aid received from Government of India	86,00,188 ..	86,00,188
45.	do	.. 47-Misc. Depts.-F-16. Food Administration	8,00,000 ..	8,00,000
46.	do	.. 47-Misc. Depts.—F-22. Rent Controller ..	31,900 ..	31,900
47.	Civil Works	.. 50-Civil Works, including Road Funds and State owned Landing Grounds, but excluding City Improvement Board, Gardens and Palaces	2,68,28,200 ..	2,68,28,200
48.	do	.. 50-Civil Works,—C-16. City Improvement Board, C-20-27. Gardens excluding Dist. Gardens, E-Improvement of Internal Communications and Construction of Berm Roads	12,65,100 ..	12,65,100
49.	do	.. 50-Civil Works—C-17. Jubilee Hall, C-18 Hyderabad House, New Delhi, and C-19. Napean House, Bombay	1,85,800 ..	1,85,800
50.	do	.. 50-Civil Works, C-26: Dist. Gardens ..	31,200 ..	31,200

SCHEDULE——(*Contd.*)

1	2	3	4	5	6
			Rs.	Rs.	Rs.
51.	Electricity	.. 52-A. Other Revenue expenditure connected with Electricity Schemes ..	1,01,840	..	1,01,840
52.	do	.. XLI-Receipts from Electricity Schemes—Working Expenses	93,30,400	9,78,000	1,03,08,400
53.	Road Transport ..	.. XLVI-A. Receipts from R.T.D. Working Expenses	2,52,40,000	13,60,000	2,66,00,000
54.	Famine	.. 54-Famine Relief	1,00,000	..	1,00,000
55.	Territorial and Political Pensions.	54-A. Territorial and Political Pensions	17,74,700	96,300	18,71,000
56.	Pensions	.. 55-Superannuation Allowances and Pensions	1,76,36,776	3,37,300	1,79,74,076
57.	Commuted Value of Pensions, financed from Ordinary Revenues.	55-A. Commuted Value of pensions financed from Ordinary Revenues ..	10,00,000	..	10,00,000
58.	Stationery and Printing ..	.. 56-Stationery and Printing	32,35,000	..	32,35,000
59.	Miscellaneous	.. 57-Misc. A-Donations for charitable purposes, G-5 & 5-A. Misc. & Expdr. from Excess Profits Tax Fund, G-13. Collection charges of Excess Profits Tax, H-Irrecoverable Advances written off	6,72,528	..	6,72,528
60.	Miscellaneous ..	.. 57-Misc.—A-11. Burial charges, G-3. Evacuee Dept.	1,55,053	..	1,55,053

61.	do	.. .. .. 57-Misc.—B-Rents, Rates & Taxes, G. (6) (a) Expenditure chargeable to Post-War Reconstruction Fund, G-9. War like Activities of ex-Ministers ..	19,36,121	..	19,36,121
62.	do	.. .. .. 57-Misc.—C-1 to 5 & 9. Contributions, Grants-in-aid to Municipalities and Local Bodies, E-Charges in connection with the Village Panchayats Acts ..	32,04,800	..	32,04,800
63.	do	.. .. .. 57-Misc.—C-8. Contributions to Agricultural Improvement Fund, G-6 (d) Expdr. chargeable to Godown Trust Fund, G 8 & 8 (a) Grant for Relief and Rehabilitation of Displaced Students from West Pakistan and Rehabilitation of the State Subjects ..	9,81,455	..	9,81,455
64.	do	.. .. .. 57-Misc.—C-9. Appropriations to Irrigation and Power Development, G-2. Non-I.S.F. (Records Office), I-Development of Irrigation Projects	1,12,51,980	..	1,12,51,980
65.	do	.. .. .. 57-Misc.—D-Payments to H.E.H. and Jagirdars, G-1. Rewards for Destruction of Wild Animals G-7 (A & B) Jagir Administrators' expenses and Debt Settlement Boards	1,34,10,970	..	1,34,10,970
66.	Community projects, National Extension Service Schemes, and Local Development Works.	63-B. Community Development Projects, National Extension Service Schemes and Local Development Works	1,16,95,000	..	1,16,95,000
		Total Expenditure on Revenue Account ..	35,80,71,508	4,01,17,840	39,81,89,348

SCHEDULE—(*Contd.*)

1	2	3	4	5	6
			Rs.	Rs.	Rs.
67.	Irrigation	68-Construction of Irrigation Projects, etc., Works and Establishment ..	6,17,34,000	..	6,17,34,000
68.	do	68-Construction of Irrigation Projects, etc., Medical Establishment of Projects	4,66,000	..	4,66,000
69.	Improvement of Public Health.	70-Capital Outlay on Improvement of Public Health : (1) Improvement Works in Districts and Hyderabad Drainage, Rural Water Supply and Slum Clearance	24,26,000	..	24,26,000
70.	do	(2) Hyderabad Water Works inclusive of Establishment charges	30,74,000	..	30,74,000
71.	Capital Outlay on Industrial Development.	72-(1) Capital Outlay on Industrial Development (Investments in Commercial Concerns)	1,50,000	..	1,50,000
72.	Multi-purpose River Schemes.	80-A. Capital Outlay on Multi-purpose River Schemes :— (1) Works & Establishment ..	3,10,68,400	..	3,10,68,400
73.	do	(2) Medical Establishment	1,18,600	..	1,18,600
74.	Appropriation to Irrigation and Power Development Fund.	80-B. Appropriation to Irrigation and Power Development Fund	50,00,000	..	50,00,000

75.	Civil Works	.. 81-Capital Account of Civil Works :— (1) Roads, Buildings, etc. ..	1,55,40,000	..	1,55,40,000
76.	Civil Works	.. (2) Works under City Improvement Board	4,28,000	..	4,28,000
77.	Hydro and Power Electricity Schemes.	81-A. Capital Outlay on Electricity Schemes	1,76,45,000	..	1,76,45,000
78.	Other State Works	.. 82-Capital Account of other State Works outside the Revenue Account, Industrial and Low Income Group Housing, Rural Housing and Amenities of Drainage and Water Supply, etc. ..	54,52,000	..	54,52,000
79.	Road Transport	.. 82-B. Capital Outlay on Road Transport Schemes outside the Revenue Account.	27,61,000	..	27,61,000
80.	Commutation of Pensions	.. 83-Payments of Commuted Value of Pensions	10,00,000	..	10,00,000
81.	State Schemes of State Trading	.. 85-A. Capital Outlay on State Schemes of State Trading	15,00,000	..	15,00,000
	Total Capital Expenditure outside Revenue Account	..	14,83,63,000	..	14,83,63,000
	Loans and Advances by the State Government.	N-Public Debt discharged	..	5,84,18,384	5,84,18,384
82.	Do.	.. P-Loans and advances by the State Govt.	4,51,48,057	..	4,51,48,057
		Total Disbursements under Debt Heads.	4,51,48,057	5,84,18,384	10,35,66,441
		Grand total ..	55,15,82,565	9,85,36,224	65,01,18,789

THE HYDERABAD STATE AID TO (SMALL SCALE AND COTTAGE) INDUSTRIES ACT, 1956.

No. VII of 1956.

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THE HYDERABAD STATE AID TO (SMALL SCALE AND COTTAGE) INDUSTRIES ACT, 1956.

No. VII of 1956.

(Received the assent of the Rajpramukh on 3rd April, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 4th April, 1956).

An Act to regulate State Aid to Small-Scale and Cottage Industries. Preamble.

Whereas it is expedient to regulate the giving of aid by the Government to Small-Scale and Cottage Industries in the State of Hyderabad;

Be it enacted in the Seventh Year of Our Republic as follows:

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad State Aid to (Small-Scale and Cottage) Industries Act, 1956.

(2) It shall extend to the whole of the State of Hyderabad.

(3) It shall come into force on the date of its publication in the official Gazette.

Definitions.

2. In this Act unless there is anything repugnant to the subject or context,—

(a) 'Board' means the Board constituted under section 4.

(b) 'cottage industry' means any industry carried on by any family which forms the normal occupation whether whole-time or part-time, of any family, with the help of any or all of its members and in which such family invest a sum not exceeding Rupees Ten Thousand.

(c) 'prescribed' means prescribed by rules made under this Act.

(d) 'small-scale industry' means any industry carried on by the aid of power and employing not exceeding fifty persons, or carried on without the aid of power but employing more than fifty and less than hundred persons and in which a sum exceeding Rupees Ten Thousand but below Rupees Five Lakhs is invested.

(e) 'State Government' means the Government of the State of Hyderabad.

Director of Industries.

3. The State Government may appoint any officer or other person to perform all or any of the functions of the Director of Industries in the Government of Hyderabad under this Act.

Board of Industries.

4. (1) (a) There shall be constituted a Board to be called the Board of Industries consisting of ten members including the ex-officio and the Minister-in-charge of Commerce and Industries Department who shall be the ex-officio Chairman.

(b) Five of the members shall be nominated by the State Government out of whom two shall be non-officials one representing the Small-Scale Industries and the other, the Cottage Industries.

(c) One of the members shall be elected by the members for the time being of the Hyderabad (Deccan) Chamber of Commerce; one by the Members for the time being of the Hyderabad State Financial Corporation; and three by the members of the Hyderabad Legislative Assembly. A return of the name of every person so elected shall be made to the State Government by the Chairman of the Hyderabad (Deccan) Chamber of Commerce, the Hyderabad State Financial Corporation and by the Secretary to the Hyderabad Legislative Assembly, respectively, and such return shall be published in the official Gazette.

(2) The names of the members appointed by the State Government by nomination shall be published by a notification in the official Gazette.

(3) The Board shall assist the State Government in dealing with applications for the grant of the State aid under this Act.

(4) No member shall vote on or take part in the discussion of any question coming up for consideration at a meeting of the Board if the question is one in which he has any direct or indirect pecuniary interest by himself or his partner or in which he is interested professionally on behalf of a client or as agent for any person other than the State Government or a local authority.

(5) The term of office of the members of the Board shall be two years.

No aid except in accordance with the provisions of Act.

5. (1) No aid shall be given by the State Government to any small-scale industry or cottage industry except in accordance with the provisions of this Act.

(2) Nothing contained in sub-section (1) shall prevent the Industrial Trust Fund from giving aid to Small-Scale Industry and Cottage Industry.

Industries to be aided.

6. (1) The small-scale industry or cottage industry to which aid may be given under this Act, shall be such as has an important bearing on the economic development of the country and shall be—

(a) new or nascent industry, or

(b) industry to be newly introduced into areas where such industry is undeveloped ; or

(c) old or established industry :

Provided that aid shall not be given to any industry specified under clause (c) unless the State Government is satisfied that special reasons exist for giving such aid.

(2) No such aid shall be given to any joint stock company unless the same is registered in India on a rupee capital :

Provided further that every receipt of aid under this Act shall make such provision for the training of apprentices as the State Government may, from time to time, prescribe.

(3) The decision of the State Government as to whether the conditions of this section are fulfilled shall be final and shall not be called in question in any Court of Law.

Method of giving State Aid.

7. Subject to the provisions of this Act and of the rules made thereunder, the State Government shall have power to grant aid to any small-scale industry or cottage industry in one or more of the following ways :—

(a) by granting a loan for one or more of the following purposes :

(i) purchase of land and erection of buildings ;

(ii) purchase of tools, and appliances ;

(iii) purchase of raw materials ;

(iv) working capital or other incidentals necessary for the purpose of carrying on the industry ;

(b) by guaranteeing a cash credit, overdraft or fixed advance with a bank ;

(c) by paying a subsidy, in the case of a cottage industry for any purpose, and in the case of small-scale industry for the conduct of research or the purchase of machinery ;

(d) by subscribing for shares or debentures ;

(e) for guaranteeing a minimum return on part of the capital of a joint stock company :

(f) by making a grant on favourable terms of land, raw material, firewood or water, which is the property of the State ;

(g) by supplying at concessional rates electric energy from a source which is the property of the State :

(h) by supplying equipment on hire-purchase provided the party requiring the equipment makes an initial payment of 20 per cent of the cost thereof.

Application for State aid and procedure in dealing with applications.

8. (1) Any person desiring to obtain a loan or other aid for any small-scale industry or cottage industry shall make his application to the Director of Industries in such form and shall furnish such information as may be prescribed.

(2) Every application for aid of a sum exceeding Rupees Three Thousand shall be placed before the Board for advice.

(3) No aid shall be granted under this Act, if the Board by a resolution supported by not less than six members at a meeting advises the rejection of the application.

Delegation of powers.

9. (1) The State Government may delegate to the Director of Industries its powers to grant aid under section 7 up to Rupees Three Thousand in any single case.

(2) The decision of the Director of Industries, to grant or not to grant aid in any case under sub-section (1), shall not be called in question in any Court of Law.

(3) The powers conferred on the State Government by section 12 may also be exercised by the Director of Industries in cases where aid is granted by the Director under sub-section (1).

Aid how granted and secured.

10. No aid under this Act shall be given to any small-scale industry or cottage industry except to the extent and in the manner specified hereunder :

(a) Rupees One Thousand on the personal security of the person applying for aid.

(b) Over Rupees One Thousand but up to Rupees Five Thousand on the personal security of the person applying for aid with two sureties provided thirty per cent of the sum advanced is used as capital expendi-

ture over which the State Government shall have the first charge.

(c) Over Rupees Five Thousand and up to Rupees Twenty-five Thousand in the security of the immovable property of the person applying for aid to the extent of seventy-five per cent on the market value thereof :

Provided that half of the loan is used as capital expenditure over which the State Government shall have the first charge.

Inspection and returns.

11. In any case in which a loan has been applied for under this Act, the applicant, and at any time during the currency of a loan that had been granted under it, the grantee, shall be bound—

(a) to comply with any general or special order of the State Government relative to the inspection of the premises, buildings, or plant or stock in hand of the industrial business or enterprise ;

(b) to permit the inspection of all accounts relative to the industrial business or enterprise ;

(c) to furnish full returns of all products manufactured or sold both as regards description and quantity ;

(d) to maintain such special accounts or to furnish such statements as the State Government may from time to time require ;

(e) to submit the accounts of the industrial business or enterprise to such audit as the State Government may prescribe.

Control of business assisted.

12. In any case in which a loan or loans is or are granted under this Act amounting to Rupees Ten Thousand or upwards, the State Government shall and in any other case may, take power to ensure such control over the industry as shall suffice in its opinion to safeguard its interest.

Repayment of loans.

13. (1) Every loan granted under this Act shall be made repayable by instalments within such period from the date of the actual advance of the loan, or when the loan is advanced in instalments from the date of payment of the last instalment, as may be fixed by the order granting the loan.

(2) The period fixed as aforesaid shall not exceed five years unless the State Government shall, by general or special order, extend the same.

Exemption of small industries.

14. Save as otherwise may be prescribed nothing in sections 11 and 12 shall apply to any cottage industry with a capital outlay not exceeding Two Thousand Rupees.

Subscriptions for shares or debentures or guarantee of a minimum return on capital.

15. The condition of subscription for shares and debentures by the State Government or the guarantee of a minimum return on the capital of any small-scale industry or cottage industry by it shall be that small-scale industry or cottage industry shall be subject to the conditions of section 11 in respect of inspections and returns as well as of the provisions of section 12 in respect of Government control :

Provided that—

(a) for all shares subscribed by the State Government there must be taken up and fully paid for not less than such number of shares as may be fixed by special or general order of the State Government ;

(b) for all capital on which a return is guaranteed by the State Government there shall be paid up not less than an equal amount of capital which carries no guarantee.

Subsidy by the State Government.

16. The condition of a grant of subsidy or of any payment under guarantee of a minimum return on the paid-up capital or of the grant of a land belonging to the State Government, raw material, firewood or water on favourable terms or for the supply from a State Government source of electric energy at concessional rates shall ordinarily be that an amount equal to the sum paid or to the value of the grant or concession as fixed at the time when it is made shall be repaid to the State Government at the close of a fixed term of years if within that term the small-scale industry or cottage industry shall be shown to be paying interest or a dividend upon the capital invested in excess of such rate as the State Government may fix.

No subsidy to an industry other than a cottage industry exceed 40 per cent of the cost of the research or of the cost of the machinery as the case may be.

Disposal of profits when condition of State aid is not fulfilled.

17. No recipient of aid shall pay any dividend or distribute or take any profits in excess of such percentage rate upon the amount of the capital of the small-scale industry or cottage industry as the State Government may fix from time to time until the conditions on

which the aid has been granted are fulfilled. The balance of the profits, after setting aside proper amounts for depreciation or absolescence of plant and buildings, and for the payment of interest on debenture of loans, shall be carried to a reserve fund to be utilised in such manner as the State Government may approve.

Method of recovery of moneys due.

18. (1) All moneys payable under this Act, including any interest chargeable thereon and costs, if any, incurred, if not paid when due, may be recovered from the person aided and his surety, if any, under the law for the time being in force as if they were arrears of land revenue.

(2) When any sum due as aforesaid is paid by the surety or is recovered from him or out of his property under sub-section (1) the Collector shall, on the application of the surety, so far as possible recover the same from th person aided and pay the same to the surety.

Power of the State Government to terminate aid on account of fault.

19. If the State Government decides for reasons to be recorded in writing to terminate aid in respect of a small-scale industry or cottage industry on any of the following grounds:

(i) that any portion of the aid given has been misapplied for;

(ii) that there has been a breach by the person in receipt of the aid of the provisions of this Act, or of any rules made thereunder or of any condition of the grant; or

(iii) that the application on which the aid has been granted contained, or was accompanied by, any material statement by the applicant which he knew to be false or any intentional concealment by him of any material fact, which in the opinion of the State Government, it was his duty to disclose, or that any such false statment or concealment was intentionally made in any inquiry under this Act, by or with connivance of the applicant or in any return under this Act, or in reply to any requisition for information under this Act; or

(iv) that the small-scale industry or cottage industry is being managed in such a manner as to endanger the repayment of the value of the aid granted thereto repayable under this Act; the State Government may make an order that the aid be terminated and notwithstanding anything contained elsewhere in

this Act, or in any other enactment, may proceed to recover from the grant as arrears of land revenue,

(a) the whole amount of any loan outstanding together with such interest as may be due thereon, or

(b) in cases where the aid is given otherwise than by loan, the money value of the grant as fixed at the time when it was made, together with interest at a rate not exceeding twelve and half per cent from the date of the grant till the date of realisation, and

(c) in the cases mentioned in sub-section (a) or sub-section (b) the cost of recovery, and if the State Government so directs, the cost of an inquiry made in connection therewith, and such order shall be final

Fees.

20. The State Government may charge in respect of applications, inquiries, inspections and audit by whomsoever made under this Act, such fees, if any, as may be prescribed.

State Aid granted prior to commencement of Act.

21. Any such aid as is referred to in section 7 given by the State Government to any industry prior to the commencement of this Act, shall, on the issue of an order to that effect by the State Government in the official Gazette be deemed to be aid given under this Act, and on the issue of such order all the provisions of this Act, and of any rules made thereunder shall apply to such aid and such industry as if such aid was given to such industry under this Act.

Powers of State Government as regards starting or conducting industries and giving aid of certain kinds.

22. Nothing in this Act, shall be held to debar the State Government—

(a) from starting or conducting any small-scale industry or cottage industry;

(b) from assisting a small-scale industry or cottage industry by agreements to purchase on business terms, the whole or a portion of the products of the same;

(c) from assisting a small-scale industry or cottage industry by giving gratis or on favourable terms, the services of Government officials or experts either in the capacity of advisers or for a limited period for starting or conducting such business or enterprise;

(d) from assisting a small-scale industry or cottage industry in connection with industrial education or the training of apprentices;

(e) from assisting or aiding a small-scale industry or cottage industry on such terms and conditions and in such manner as may be determined by the State Government.

Power to make rules.

23. (1) The State Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, it may make rules regulating all or any of the following matters :—

(i) the classes of small-scale industry or cottage industry to which and the purposes for which aid may be given ;

(ii) the quorum at the Board's meetings, the method of arriving at its decision, the appointment of a Secretary and staff, the allowances payable to its members and all other matters relative to the conduct of its business ;

(iii) the manner of making applications for State aid and the information to be given in such applications, provided that no such rules shall require any applicant or grantee of aid to divulge any information relating to the technical details of any process of any patent owned by him ;

(iv) the manner of conducting inquiries and and the matters to be specially inquired into in dealing with applications for the State aid and the powers to be exercised by the Director of Industries conducting such inquiries ;

(v) the mode of ascertaining the value of the assets of a small-scale industry or cottage industry or of any property offered as collateral security for a loan ;

(vi) the inspection of the premises, buildings, plant and stock on hand and the accounts of any small-scale industry or cottage industry for which State aid has been granted ;

(vii) the mode of keeping and auditing the accounts and of furnishing returns of any small-scale industry or cottage industry in respect of which State aid has been granted ;

(viii) prescribing the methods of control of a small-scale industry or cottage industry in respect of which State aid has been granted ;

(ix) the application of profits in cases in which the conditions under which loans or grants have been made have not been fulfilled ;

(x) the guaranteeing by the State Government of cash credits, overdrafts or fixed advances by banks and recognition of banks for this purpose ;

(xi) the fixing of the period for the repayment of loans and the conditions and dates of the repayment of subsidies and grants ;

(xii) the recovery of any moneys due under this Act :

Provided that such rules shall take effect and have the force of law from the date of their publication in the official Gazette :

Provided further that such rules shall be laid on the table of the Hyderabad Legislative Assembly and may be amended by a resolution passed within one month from the date of notification or, if the Assembly is not sitting on such date within one month from the date of its next meeting.

Savings.

24. Nothing in this Act shall be deemed to apply to any industry declared to be a scheduled industry under the Industries (Development and Regulations) Act, LXV of 1951 (Central Act LXV of 1951) or to affect any of the provisions of the said Act.

Repeal of Hyderabad Ordinance I of 1956.

25. (1) The Hyderabad State Aid to (Small-Scale and Cottage) Industries Ordinance 1956 (I of 1956) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this Act were in force on the day on which such thing was done or action was taken.

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* THE HYDERABAD ABOLITION OF INAMS (AMENDMENT) ACT, 1956.

No. X of 1956.

An Act to amend the Hyderabad Abolition of Inams Act, 1954 (VIII of 1955).

Preamble.

WHEREAS it is expedient to amend the Hyderabad Abolition of Inams Act, 1954 (VIII of 1955) for the purposes hereinafter appearing;

BE it enacted in the Seventh Year of Our Republic as follows:

Short title and commencent.

1. (1) This Act may be called the Hyderabad Abolition of Inams (Amendment) Act, 1956.

(2) It shall be deemed to have come into force on the 20th day of July, 1955.

Amendment of section 1, Hyderabad Act VIII of 1955.

2. In section 1 of the Hyderabad Abolition of Inams Act, 1954 (VIII of 1955) (hereinafter referred to as the principal Act), for sub-section (3) the following sub-section shall be substituted and shall be deemed always to have been substituted, namely:—

[Amendments carried out in the principal Act.]

Amendment of section 2, Hyderabad Act VIII of 1955.

3. In section 2 of the principal Act, for clause (b) of sub-section (1), the following clause shall be substituted and shall be deemed always to have been substituted, namely:—

[Amendments carried out in the principal Act.]

Temporary provision for recovery of land revenue.

4. Notwithstanding anything contained in the principal Act, with effect from the date of publication of that Act in the official Gazette and till the commencement of the provisions mentioned in clause (b) of sub-section (3) of section 1 of that Act, the full land revenue payable in respect of every inam abolished and vesting in the Government under section 3 of that Act, shall be recovered from the inamdar of such inam as if he were the occupant of such land and, on the commencement of the said provisions of that Act, it shall be recovered in accordance with those provisions.

Repeal of Hyderabad Ordinance II of 1956.

5. The Hyderabad Abolition of Inams (Amendment) Ordinance 1956 (II of 1956) is hereby repealed.

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* Published in Gazette Extraordinary No. 79 Dated April 20, 1956.

THE HYDERABAD PRIZE COMPETITIONS CONTROL AND TAX (REPEALING) ACT, 1956.

No. XI OF 1956.

An Act to repeal the Hyderabad Prize Competitions Control and Tax Act, 1954 (XXIV of 1954).

(Received the assent of the Rajpramukh on 21st April, 1956; assent first published in the Hyderabad Gazette Extraordinary No. 80, dated the April 24, 1956).

Preamble.

WHEREAS in consequence of the enactment of the Prize Competitions Act, 1955 Central Act 42 of 1955), it is expedient to repeal the Hyderabad Prize Competitions Control and Tax Act, 1954 (XXIV of 1954);

BE it enacted in the Seventh Year of Our Republic as follows:—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Prize Competitions Control and Tax (Repealing) Act, 1956.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on the date on which the Prize Competitions Act, 1955 (Central Act 42 of 1955), comes into force.

Repeal of Hyderabad act XXIV of 1954.

2. The Hyderabad Prize Competitions Control and Tax Act, 1954 (XXIV of 1954) is hereby repealed.

——:o:——

THE HYDERABAD BORSTAL SCHOOLS ACT, 1956.

No. XV of 1956.

(Received the assent of the President on 10th June 1956; assent first published in the Hyderabad Gazette Extraordinary on the 14th June, 1956).

Act to provide for the establishment of Borstal Schools in the State of Hyderabad.

WHEREAS it is expedient to provide for the establishment of Borstal Schools in the State of Hyderabad; Preamble.

BE it enacted in the Seventh Year of Our Republic as follows :—

1. (1) This Act may be called the Hyderabad Borstal Schools Act, 1956. Short title, extent and commencement.

(2) It extends to the whole of the State of Hyderabad.

(3) This section shall come into force at once ; the rest of this Act or any provision thereof shall come into force in any area on such date as the Government may by notification in the Jarida specify.

2. In this Act, unless the context otherwise refers— Definitions.

(a) "Borstal School" means an institution in which young offenders, whilst detained in pursuance of this Act, are given such industrial training and other instruction and are subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime ;

(b) " Code " means the Code of Criminal Procedure, 1898 (Act V of 1898) ;

(c) " Inspector-General " means the Inspector-General of Prisons and includes any officer appointed by the Government to perform all or any of the duties imposed by this Act on the Inspector-General ;

(d) " prescribed " means prescribed by rules made under this Act.

3. (1) For the purposes of this Act, the Government may establish one or more Borstal Schools. Establishment of Borstal Schools.

(2) For every Borstal School, a visiting committee shall be appointed in such manner as may be prescribed.

Application of the Hyderabad Prisons Act, 1954, and the Hyderabad Prisoners Act, 1954.

4. Subject to any alterations, adaptations and exceptions made by this Act and the rules framed under it, the Hyderabad Prisons Act, 1954, and the Hyderabad Prisoners Act, 1954, and the rules framed thereunder shall apply in the case of every Borstal School established under this Act as if it were a prison and the inmates thereof prisoners.

Court may pass order for detention in a Borstal School.

5. Where an offender is found guilty of an offence for which he is liable to be sentenced to transportation or imprisonment, or is liable to imprisonment for failure to furnish security under Chapter VIII of the Code, whether any previous conviction is proved against him or not, and it appears to the Court—

(a) that the offender is not less than sixteen and not more than twenty-one years of age; and

(b) that by reason of his criminal habits or tendencies or association with persons of bad character it is expedient that he should be subjected to detention for such term and under such instruction and discipline as appears most conducive to his reformation, it shall be lawful for the Court, if empowered in this behalf, to pass, in lieu of a sentence of transportation or imprisonment, or of an order of imprisonment under section 123 of the Code, an order for the detention of the offender in a Borstal School established under this Act or subject to the provisions of section 13, in a Borstal School in any other State, for such term, not being less than three years and not more than five years, as the Court, subject to rules made under this Act, thinks fit:

Provided that before passing such an order the Court shall give an opportunity to the parents or guardians of the said offender to be heard and shall consider any report or representation which may be made to it as to the suitability of the case for treatment in such Borstal School, and shall be satisfied that the character, state of health and mental condition of the offender and the other circumstances of the case, are such that the offender is likely to profit by such instruction and discipline as aforesaid.

Power of Government to exempt.

6. The Government may, by rules made under this Act, direct that any class or classes of persons specified in such rules shall not be ordered to be detained in a Borstal School.

Courts empowered to pass order for detention.

7. The powers conferred on Courts by this Act shall be exercised only by—

(a) the High Court,

(b) a Court of Session,

(c) a District Magistrate,

(d) the Chief Magistrate, City Magistrate's Court,

or

(e) a Magistrate specially empowered in this behalf by the Government,

and may be exercised by such Courts whether the case comes before them originally or on appeal or in revision:

Procedure when Magistrate is not empowered to pass an order under this Act.

8. (1) When any Magistrate not empowered to pass an order for detention under this Act is of the opinion that an offender who has been found guilty by him or who has failed to furnish the security which the Magistrate has ordered him to furnish under Chapter VIII of the Code, is a proper person to be detained in a Borstal School, he may, without passing any order, record such opinion and submit his proceedings and forward the offender to the District Magistrate to whom he is subordinate.

(2) The District Magistrate to whom the proceedings are so submitted may transfer the proceedings to any Magistrate subordinate to him competent to pass an order under this Act.

(3) The District Magistrate to whom the proceedings are so submitted or any Magistrate to whom the proceedings are so transferred may make such further inquiry (if any) as he may think fit and may pass such order for the detention of the offender in a Borstal School, or such other sentence or order, as he might have passed if such offender had originally been brought before or tried by him.

Limitation on powers conferred by section 5.

9. Any offender detained in a Borstal School for failure to furnish security when ordered to do so under section 106 or section 118 of the Code, shall be released on furnishing such security or on the passing of an order under section 124 of the Code.

Transfer from prison to Borstal School.

10. (1) If the Inspector-General is satisfied that a person undergoing transportation or imprisonment in consequence of a sentence passed under any law or undergoing imprisonment under an order made under section 123 of the Code, for failure to give security being within

the limits of age within which persons may be ordered to be detained in a Borstal School, by reason of his criminal habits or tendencies, or association with persons of bad character, might with advantage be detained in a Borstal School, the Inspector-General may report the case to the Government and if the Government, after making such inquiry as it may deem proper or as may be prescribed, is satisfied that the prisoner should for the reasons mentioned in the report, be detained in a Borstal School, it may by order in writing direct such person to be transferred from the prison to a Borstal School established under this Act or, subject to the provisions of section 13, to a Borstal School in any other State and to be detained in such School, in lieu of the unexpired residue of his sentence, or of the period of imprisonment which he is liable to undergo for failure to give security, as the case may be, for such period as together with the period of transportation or imprisonment already undergone will not exceed the maximum period for which such person could have been ordered to be detained by a Court under section 5 :

Provided that such person shall not be directed to be detained in a Borstal School for a period which including the period of imprisonment or transportation undergone exceeds the period of imprisonment or transportation to which such person has been sentenced or the period of imprisonment which he is liable to undergo for failure to give security, as the case may be.

(2) A person transferred to a Borstal School under sub-section (1) shall upon transfer to such school be deemed to be an offender ordered to be detained by a Court under the provisions of section 5 and the provisions of this Act shall apply to such person accordingly.

Transfer of incorrigibles, etc., to prisons.

11. Where an offender detained in a Borstal School escapes or is reported to the Government by the Inspector-General to be incorrigible or to exercise or to be likely to exercise a bad influence on the other inmates of the School, or to be more than twenty years of age, or where a licence granted under section 15 is revoked by the Government under clause (2) of the proviso to sub-section (1) of section 16 or is, in the opinion of the Government, otherwise unsuitable for training in a Borstal School, the Government may direct the offender to be produced before the competent Court with a report, and if the Court, after making such inquiry as it may deem proper, is satis-

fied about the accuracy of the report, it may commute the unexpired residue of the term of detention to such term of imprisonment of either description as it may determine, but in no case exceeding the shorter of the following two periods, namely :—

(a) the unexpired residue of the term of detention, or

(b) the maximum period of imprisonment provided by law for the offence of which the offender was found guilty or the failure to give security, as the case may be, in consequence of which the offender was ordered to be detained in a Borstal School or ordered to be transferred to and detained in such school by the Government.

Government to determine the Borstal School in which a person shall be detained and may order removal.

12. (1) Every offender ordered to be detained in a Borstal School shall be detained in such Borstal School as the Government may, by general or special order, or in the prescribed manner, appoint for the reception of persons so ordered to be detained :

Provided that, if accommodation in a Borstal School is not immediately available for such offender, he may be detained in a special ward, or such other suitable part of a prison as the Government may direct until he can be sent to a Borstal School, and the period of detention so undergone shall be treated as detention in a Borstal School.

(2) The Government may order the removal of any offender from any one Borstal School to any other Borstal School established under this Act or to a Borstal School in any other State provided that the whole period of his detention in a Borstal School shall not be increased by such removal.

Power to order detention in or removal of offenders to, a Borstal School in another State.

13. (1) No order for the detention in or transfer or removal to a Borstal School in any other State shall be passed except with the previous concurrence of the officer in charge of such Borstal School and unless the Government of the said state under any law in force therein or by general or special order, has consented or is empowered, to receive such offender for detention in such Borstal School.

Power to accept transfers of offenders from another State to a Borstal School in the State.

(2) The officer in charge of a Borstal School established under this Act may, subject to the rules made in this behalf, give effect to any order for the detention therein of any person passed by any authority under any enactment in force in any other State. A person detained in such Borstal School under this provision shall be deemed to be an offender ordered to be detained under the provisions of section 5 and the provisions of this Act shall apply to such person accordingly.

Removal of persons detained to civil hospital in the State for medical treatment.

14. (1) If an offender detained in a Borstal School is suffering from any illness and the Inspector-General is satisfied that it is not possible to render to him proper medical care or treatment in the school, the Inspector-General may provide for the removal of such offender to any civil hospital in the State for the purpose of undergoing medical treatment and for his return to the school after such treatment is undergone.

(2) The period during which an offender is absent from a Borstal School under sub-section (1) shall, for the purposes of computing his term of detention in the school, be deemed to be part of that detention.

Power to release on licence.

15. (1) Subject to the prescribed conditions, the Inspector-General may on the recommendation of the Visiting Committee, at any time after the expiration of six months from the commencement of the detention of an offender in a Borstal School, if he is satisfied that there is a reasonable probability that the offender will abstain from crime and lead a useful and industrious life, discharge him from the Borstal School and grant him a written licence in the prescribed form and on the prescribed conditions permitting him to live under the supervision and authority of such—

(a) officer of Government,

(b) secular institution,

(c) religious society, or

(d) responsible person.

as may be approved by the Inspector-General and willing to take charge of the offender.

(2) The Inspector-General may, subject to the prescribed conditions, discharge any offender who had been previously granted a licence but whose licence was subsequently revoked under section 16 and grant him a fresh

written licence and in such case the provisions of this Act shall apply as if such fresh licence had been granted under sub-section (1).

(3) A licence under this section shall be in force until the expiry of the term for which the offender was ordered to be detained in a Borstal School, unless sooner revoked.

(4) The period during which an offender is absent from a Borstal School during the continuance of a licence granted to him under this section shall, for the purposes of computing his term of detention in such school, be deemed to be part of that detention.

Revocation of licence.

16. (1) Subject to the prescribed conditions, the Inspector-General may at any time and in the case of a request made by the institution, society or person, under whose supervision and authority the offender has by licence been permitted to live shall, after considering the report of the Investigating Committee submitted to him under section 20 revoke a licence granted under section 15, and upon such revocation the offender shall be detained in a Borstal School until the expiry of the term for which he was ordered to be detained in such school:

Provided that, if the Investigating Committee report that the conduct of the offender has been such that he is unfit for detention in a Borstal School, the Inspector-General shall forward the report of the Investigating Committee to the Government and the Government may—

(i) direct the Inspector-General to revoke the licence as provided in this sub-section, or

(ii) itself revoke the licence and direct the Inspector-General to produce the offender before the competent Court for commuting the unexpired residue of detention of the offender to a term of imprisonment as provided in section 11.

(2) If an offender removes himself from the supervision of the institution, society or person under which he was by licence permitted to live, his licence shall be deemed to have been revoked from the date on which he has so removed himself.

(3) On the revocation of a licence under sub-section (2), the period beginning from the date on which the offender removed himself from supervision till the date on which he is arrested shall, subject to the provisions of section 18, be excluded in computing the period for which he has been ordered to be detained in a Borstal School.

Subsequent supervision.

17. (1) When the Inspector-General and the Visiting Committee report that the conduct or progress of any offender detained in a Borstal School has been such that it is expedient that he shall remain under supervision for a further period after the end of the term of detention, the Government may direct the Inspector-General to produce the offender before the competent Court together with the report and if the Court after making such inquiry as it may deem proper is satisfied about the accuracy of the report, it may direct that the offender shall, on the expiration of the term of his detention, remain for a further period not exceeding one year under the supervision of such authority, society or person as the Inspector-General, subject to the rules made under this Act, may direct.

(2) The Government may, after considering the report of the Investigating Committee forwarded to it under section 20, direct the offender to be produced before the competent Court together with the report and the Court may, after satisfying itself about the accuracy of the report, direct that the offender who is under supervision in accordance with sub-section (1) shall—

(a) again be detained in a Borstal School for such period as it may think fit, or

(b) if the Court is satisfied that the conduct of the offender has been such that he is unfit for detention in a Borstal School, undergo imprisonment of such description and for such period as it may direct:

Provided that the total period of supervision, detention and imprisonment, under this section shall not exceed one year.

Period of detention.

18. No person shall be detained in a Borstal School after he has, in the opinion of the Government, attained the age of twenty-three years, or, if in any particular case the Government so directs, after he has attained the age of twenty-five years.

Discharge from Borstal School.

19. The Government may at any time order any person detained in a Borstal School to be discharged from such school, either absolutely or on such condition as it thinks fit to impose.

Investigating Committee to investigate into complaints against offenders discharged on probation, etc.

20. (1) The Government may, by notification in the Jarida, appoint an Investigating Committee.

(2) The Inspector-General may, by an order in writing, require any offender—

(a) who is discharged on licence under section 15 or who is placed under supervision under section 17, and who is reported by the authority, institution, society or person under whose supervision he has been permitted to live or has been directed to remain, to be of bad behaviour, or

(b) who has broken any of the conditions of the licence granted to him under section 15, to appear before the Investigating Committee within such time and at such place as may be specified in the order.

(3) The Investigating Committee shall examine the offender and after making such inquiry as it thinks fit into his conduct submit its report to the Inspector-General. If the Investigating Committee report that the conduct of such offender has been such that he is unfit for further detention in a Borstal School and in every case where an offender had been directed to remain under supervision under section 17, the Inspector-General shall forward a copy of the report of the Investigating Committee to the Government.

(4) The offender shall, during the period, of the proceedings under this section, be detained in a Borstal School or in a special ward, or such other suitable part of a prison as the Inspector-General may by general or special order direct.

(5) If the offender fails to appear before the Investigating Committee in accordance with the order made under sub-section (2) or escapes while detained under sub-section (4), he may, on the requisition of the Inspector-General or any officer authorised by him in this behalf, be arrested by any officer of police without a warrant and without any order of a Magistrate and brought before the Investigating Committee or sent under custody to the place of detention under sub-section (4), as the case may be.

(6) The period beginning from the date on which the order under sub-section (2) is passed by the Inspector-General and ending with the day on which an order is passed by the Court under section 16 or 17, shall be excluded in computing the total term of his detention in a

Borstal School or in computing the period of one year referred to in section 17.

Arrest of offender escaping from Borstal School, or escaping from supervision.

21. Any offender who, in contravention of the provisions of this Act, has escaped from a Borstal School or has escaped from a civil hospital to which he was removed for treatment under section 14 or has escaped from the supervision of any authority, institution, society or person under whose supervision he has been directed to remain or has been permitted to live by licence under section 15, or has committed a breach of any of the conditions imposed under section 19 may be arrested by any officer of police without a warrant and without the order of a Magistrate and sent back to the Borstal School or to the civil hospital or to such authority, institution, society or person, as the case may be.

Power to make Rules.

22. (1) The Government may make rules for the regulation and management of any Borstal School and for the carrying into effect of the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for or determine—

(a) the control and management of Borstal Schools established under this Act;

(b) the appointment, powers and duties of officials in such schools;

(c) the constitution, powers and duties of Visiting Committees;

(d) the classification, control, discipline, training, struction and treatment of offenders ordered to be detained in a Borstal School and for the temporary detention of such offenders until arrangements can be made for sending them to such school;

(e) the regulation of visits to, and communication with offenders detained in such school;

(f) the restriction or prohibition of the supply to, or possession by, offenders detained in such school of any specified articles or kinds of articles;

(g) the period for which offenders or any class or classes of offenders may, within the limits fixed by this Act be ordered to be detained in such school;

(h) the class or classes (if any) of offenders who shall not be ordered to be detained in such school;

(i) the removal of offenders to Borstal Schools in other States and the receiption and detention in a Borstal School established under this Act of offenders transferred from other States;

(j) the form and conditions of licences granted under section 15;

(k) the supervision of offenders after the expiration of the term of their detention;

(l) the transfer of incorrigible offenders from a Borstal School to prison;

(m) the conditions on which an offender may be discharged under section 19;

(n) the constitution, procedure, powers and duties of the Investigating Committee.

(3) All rules made under this section shall be subject to the condition of previous publication and shall be laid before the Legislative Assembly.

Removal of disqualification.

23. The Government may, on the recommendation of the Inspector-General and the Visiting Committee, or otherwise remove any disqualification incurred by an offender ordered to be detained in a Borstal School on account of such detention.

Appeal or revision.

24. For the purposes of appeal and revision under the Code, an order of detention under section 5 of this Act shall be deemed to be a sentence of imprisonment for the same period.

Amendment of the Hyderabad Children Act, XXXII of 1951.

25. In section 38 of the Hyderabad Children Act, 1951—

(1) for the marginal note to that section the following marginal note shall be substituted; namely:—

"Discharge and transfer."; and

(2) after sub-section (2) the following sub-sections shall be inserted, namely:—

"(3) (a) If the Government is satisfied that the continued detention in a certified school of a juvenile offender who has attained the age of sixteen years is not conducive to discipline or that for any other reason, he should be transferred to a Borstal School established under the Hyderabad Borstal Schools Act, 1955, it may, by order, direct that such juvenile offender shall be transferred to such Borstal School.

(b) Where the Government is of opinion that a boy or girl over the age of sixteen years who has been released on licence and who has contravened any of the conditions thereof should not return to a certified school, it may, by order, direct that such boy or girl shall be transferred to a Borstal School :

Provided that the total period of detention of such juvenile offender or boy or girl shall not be enhanced by such transfer.

(4) Upon the transfer of such juvenile offender or boy or girl to a Borstal School under sub-section (3), all the provisions of the Hyderabad Borstal Schools Act, 1956, shall apply to him as if he had been originally ordered to be detained in a Borstal School established under that Act.

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THE HYDERABAD AGRICULTURAL DEBTORS' RELIEF ACT, 1956.

No. XVI of 1956.

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THE HYDERABAD AGRICULTURAL DEBTORS RELIEF ACT, 1956.

No. XVI of 1956.

(Received the assent of the President on 28th June 1956; assent first published in the Hyderabad Gazette Extraordinary on the 5th July, 1956).

An Act to consolidate and amend the Law for the Relief of Agricultural Debtors in the State of Hyderabad.

Preamble.

WHEREAS it is expedient to consolidate and amend the law for the relief of agricultural debts in the state of Hyderabad and for certain other purposes specified herein ;

BE it enacted in the Seventh Year of Our Republic as follows :—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Agricultural Debtors Relief Act, 1956.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force after ninety days from the date of its publication in the Jarida.

Definitions.

2. In this Act unless there is anything repugnant in the subject or context—

(1) "Agricultural labourer" means a person who earns his livelihood by engaging himself in agricultural operations on agricultural land, either as a tenant or servant or hired labourer.

(2) "award" means an award made under sub-section (4) of section 8 or sections 9, 32, 33, 52 or 66 or as confirmed or modified by the Court in appeal ;

(3) "co-operative society" means a society registered under the Hyderabad Co-operative Societies Act, 1952;

(4) "court" means the court of the Munsiff, subordinate Judge or a Judge of the City Civil Court having ordinary jurisdiction in the area in which the debtor ordinarily resides, according as the total amount of the debts due from the debtor at the date of the application as specified therein does not exceed the pecuniary jurisdiction of the Munsiff, Subordinate Judge or, as the case may

be, the Judge of the City Civil Court and includes any court to which an application may be referred for disposal under section 14 :

Provided that the Government may by general or special order direct whether the Third Judge or the Fourth Judge of the City Civil Court having the same pecuniary jurisdiction shall have, subject to the limits of such jurisdiction, power to deal with any or all clases of applications under this Act :

Provided further that every application shall be filled in the court of the lowest pecuniary jurisdiction competent to try it ;

(5) "debt" means any liability in cash or kind, whether secured or unsecured due from a debtor whether payable under a decree or order of any civil court or otherwise and includes mortgage money the payment of which is secured by the usufructuary mortgage of immovable property but does not include arrears of wages payable in respect of agricultural or manual labour, or any liability for the recovery of which remedy is barred by limitation ;

(6) "debtor" means—

(a) an individual—

(i) who is indebted ;

(ii) who holds land used for agricultural purposes or has held such land at any time not more than 30 years before the 30th January, 1943 which has been transferred whether under an instrument or not and which transfer is in the nature of a mortgage although not purporting to be so ;

(iii) who has been cultivating land personally for the cultivating seasons in the two years immediately preceding the date of the coming into operation of this Act or of the establishment of the Board concerned under the repealed Act; and

(iv) whose annual income for sources other than agricultural and manual labour does not exceed 33-1/3 per cent of his total annual income or does not exceed Rs. 500, whichever is greater ;

(b) an undivided Hindu family—

(i) which is indebted ;

(ii) which holds land used for agricultural purposes or has held such land at any time not more than 30 years before the 30th January, 1943 which

land has been transferred whether under an instrument or not and which transfer is in the nature of a mortgage although not purporting to be so ;

(iii) which has been cultivating land personally for the cultivating seasons in the two years immediately preceding the date of the coming into operation of this Act or of the establishment of the Board concerned under the repeal Act; and

(iv) the annual income of which from sources other than agriculture and manual labour does not exceed 40 per cent of the total annual income and the aggregate of such incomes of the members of which does not exceed Rs. 1,500 ;

Explanation I—For the purposes of this clause "agriculture" includes horticulture, the raising of crops or garden produce, dairy farming, poultry farming, stock breeding and grazing, but does not include leasing of land or cutting only of wood ;

Explanation II.—In the case of—

(a) any person who dies leaving as his heir, a widow or a minor or a person who is subject to physical or mental disability, or,

(b) an undivided Hindu family, in which there are no adult male coparceners capable of cultivating the the land personally, the income derived by such heir, or family by the lease of land for an agricultural purpose shall, notwithstanding anything contained in Explanation I, be deemed to be income from agriculture;

(7) "financing of crops" means advancing of loans for the raising of crops during the ploughing season or later for ploughing, sowing, harrowing, weeding, harvesting, purchase of seeds, manure or for such other purposes as may be prescribed, such loans being repayable during the season when the crops for which the loans were advanced are harvested ;

(8) "holder" means a holder as defined in section 2 of the Hyderabad Land Revenue Act, 1317 F. and includes a holder of land held for the performance of service useful to Government or village community which service is actually being performed but does not include a holder of any land held on behalf of a religious or charitable institution; and the expression "to hold land" shall be construed accordingly ;

Explanation : A protected tenant as defined in the Hyderabad Tenancy and Agricultural Lands Act, 1950, shall be deemed to be a holder for the purposes of this clause ;

(9) "prescribed" means prescribed by rules ;

(10) "repealed Act" means the Debt Conciliation Act, 1349 F.;

(11) "rules" means rules made under section 64 ;

(12) "schedule bank" means a bank included in the Second Schedule to the Reserve Bank of India Act, 1934 ;

(13) "seasonal finance" means advancing of loans for such purposes as may be prescribed, such loans being repayable on or before the 15th May, following ;

(14) "to cultivate personally" means to cultivate by one's own labour or by the labour of any member of one's family or by servants or hired labour under one's personal supervision or the personal supervision of any member of one's family.

Explanation I. If a person who was cultivating personally dies leaving as his heir a widow or a minor or a person who is subject to physical or mental disability, such heir shall be deemed to cultivate the land personally notwithstanding the fact that the land is cultivated on behalf of such heir by servants or hired labour or by tenants ;

Explanation II.—In the case of an undivided Hindu family, the land shall be deemed to have been cultivated personally if it is cultivated by any member of such family. If there are no adult male coparceners in such family, capable of cultivating the land personally, such family shall be deemed to be cultivating the land personally if the land is cultivated on behalf of such family by servants or hired labour or by tenants ;

(15) words and expression used in this Act, but not defined, shall have the meanings assigned to them in the Code of Civil Procedure, 1908, or the Hyderabad Land Revenue Act, 1317 F., as the case may be.

Savings.

3. Save as otherwise expressly provided, nothing in in this Act, shall affect the debts and liabilities of a debtor falling under the following heads namely—

(i) any revenue or tax payable to Government or any other sum due to it by way of loan or otherwise ;

(ii) any tax payable to a local authority or any other sum payable to such authority by way of loan or otherwise ;

(iii) any sum due to a co-operative society ;

(iv) any sum advanced solely for the purpose of financing of crops or for the purpose of seasonable finance as provided in this Act ;

(v) any sum in respect of which proceedings have been taken under the Hyderabad Jagirdars' Debt Settlement Act, 1952 ;

(vi) any sum due under a decree or order for maintenance passed by a competent court ;

(vii) any sum due to a scheduled bank ; and

(viii) any liability arising out of a breach of trust.

CHAPTER II.

Procedure for Adjustment of Debts.

Application for adjustment of debts.

4. (1) Any debtor ordinarily residing in any local area within the State of Hyderabad or his creditor may make an aplication within three months from the commencement of this Act, to the Court for the adjustment of his debts.

(2) Every application made under sub-section (1) shall be in writing in the prescribed form and shall be signed, verified and presented in the prescribed manner.

(3) Notwithstanding anything contained in section 3 an application made under this section shall contain the amounts and particulars of all debts specified in that section due by the debtor.

Every creditor and debtor to file a true and correct statement before court.

5. (1) Notwithstanding the fact that no application has been filed under section 4—

(a) every creditor, on being required to do so by notice in writing by any of his debtors, shall, within, two months from the date of the receipt of such notice, file before the court a true and correct statement of all his claims against each debtor and shall at the same time send a copy thereof to such debtor, and

(b) every debtor, on being required to do so by notice in writing by any of his creditors, shall, within two months from the date of the receipt of such notice, file before the court a true and correct statement—

(i) of all the debts owed by such debtor ;

(ii) whether he holds any land used for agricul-

tural purposes and whether he has been cultivating land personally;

(iii) of his income from agriculture and from sources other than agriculture in the year preceding the date of the notice.

The debtor shall at the same time send a copy of such statement to such creditor:

Provided that the court may, for sufficient cause, extend, from time to time, the period within which the creditor or the debtor, as the case may be, may file such statement.

(2) Every debtor or creditor giving a notice under sub-section (1) shall at the same time send a copy thereof to the court.

(3) In awarding the costs of any proceeding in respect of any application made under section 4 the court may, on being satisfied that the statement required to be filed under sub-section (1) was, without sufficient cause, not filed within the time specified therein or within the period extended under the proviso to sub-section (1) or incorrectly filed, direct the party in default to bear the whole or any portion of the costs of such proceeding.

Application by debtor jointly and severally liable.

6. (1) If the payment of a debt due by a debtor is guaranteed by a surety or if a debtor is otherwise jointly and severally liable for any debt along with any other person and if the surety or such other person is not a debtor, the debtor may make an application under section 4 for relief in respect of such debt, and the court may after consideration of the facts and circumstances of the case proceed with the adjustment of debts under this Act in so far as such applicant is concerned.

(2) Whenever the debts due by a debtor which are guaranteed by a surety are adjusted under sub-section (1), the surety shall be discharged from liability in respect of the debts or portion of the debt of such debtor which are existinguished under sub-section (1) of section 16, sub-section (3) of section 18, sub-section (5) of section 26, section 34 or sub-section (2) of section 35; and the surety shall not be entitled to proceed against the debtor in respect of such debts or portion.

Assignees from non-debtor not entitled to benefit of this Act

7. No application shall lie under section 4 for adjustment of any debt due from a debtor to whom such debt has been transferred or assigned after the 1st January, 1953, by any person who is not himself a debtor.

Application for recording settlement.

(1) If any debtor and any or all of his creditors arrive at a settlement in respect of any debts due by the debtor to the creditor, the debtor or any of the creditors may, within thirty days from the date of such settlement, make an application to the court for recording such settlement.

(2) Every such application shall be in the prescribed form and shall be signed and verified in the prescribed manner.

(3) On receipt of such application the court shall, after giving notice to the creditor or the debtor, as the case may be, and after making such enquiry as it thinks fit, if it is satisfied that the settlement arrived at is **bona fide** and voluntary and is not made with intent to defeat or delay any of the creditors of the debtor, and is in the interest of the debtor, and that the debtor, is a person who fulfils the conditions referred to in clauses (a) and (b) of sub-section (1) of section 18, record such settlement and certify the same. Every such settlement so recorded and certified shall be binding upon the parties thereto and shall not, save as otherwise hereinafter provided, be reopened.

(4) In considering whether the settlement arrived at is **bona fide** and voluntary and is not made with intent to defeat or delay any of the creditors of the debtor and is in the interest of the debtor, the court shall have regard also to the provisions of section 22 and such other matters as may be prescribed.

(5) After the court has recorded and certified a settlement under sub-section (3), the court shall call upon the debtors to make a declaration whether there are any other debts due by the debtor which are not included in the settlement. If the debtor makes a declaration that there are no such debts, the court shall make an award in terms of such settlement.

(6) If the court is satisfied, after recording such settlement, that there are other debts due from the debtor which are not included in the settlement, the court shall treat the application made under sub-section (1) as an application for adjustment of debts under section 4.

Settlement during pendency of proceedings before court.

9. Notwithstanding anything contained in the preceeding sections, if during the pendency of proceedings before the court or the court in appeal, as the case may be, a settlement is arrived at between a debtor and all his creditors and if such court is satisfied that the settlement has been made by the debtor voluntarily and is for

his benefit, such court may make an award in terms of such settlement.

Certain settlements to be void.

10. Every settlement of a debt due from a debtor to any creditor, which is not certified by the court under section 8, or in terms of which no award has been made under section 9, shall be void and shall not be recognised by any court for any purpose whatsoever.

Application under section 4 or 8 to be made only in respect of debtor whose debts are not more than Rs. 15,000.

11. No application under section 4 or 8 shall be entertained by the court on behalf of or in respect of any debtor, unless the total amount of debts due from him on the date of the application is not more than Rs. 15,000.

Withdrawal of applications.

12. An application for adjustment of debts under section 4 or an application for recording a settlement under section 8 shall not be withdrawn without the leave of the court.

Consolidation of applications.

13. Where two or more applications for adjustment of debts under section 4 are presented by or against the same debtor, all such applications shall be consolidated. Where such separate applications are presented by or against joint debtors, all such applications shall be heard together.

Power of Munsiff and Subordinate Judge to refer for disposal certain applications to Additional Munsiff or Additional Subordinate Judge.

14. A Munsiff or a Subordinate Judge may refer any application filed before him under section 4 or section 8 to an Additional Munsiff or Additional Subordinate Judge of competent jurisdiction respectively.

Service of notice on debtors and creditors to submit statement of debts.

15. On receipt of an application for adjustment of debts, the court shall—

(a) give notice to the debtor (unless the debtor is himself an applicant) and to every creditor (other than the creditor who is himself an applicant) whose name and address are given in the application, and

(b) publish a general notice,

requiring the debtor and all creditors to submit a statement in the prescribed form within one month from

the date of the service of the notice or the publication of the general notice, whichever is later:

Provided that if the court is satisfied that the debtor or any creditor is for good and sufficient cause unable to comply with the notice within the time specified therein it may extend the period for the submission of the statement.

Debts in respect of which no application for adjustment or settlement is made to be void.

16. (1) Every debt due from a debtor in respect of which no application has been made under section 4 within the period specified in the said section 4 or in respect of which no application for recording a settlement is made under section 8, within the period specified in the said section 8 or in respect of which an application made to the court is withdrawn under section 12 and no fresh application is made under section 4 and every debt due from such debtor in respect of which a statement is not submitted to the court by the creditor in compliance with the provisions of section 15 shall be extinguished.

(2) Nothing in this section shall apply to any debt due from any person who has by his declaration, act or omission intentionally caused or permitted his creditor to believe that he is not a debtor for the purposes of this Act or that no application under section 4 can be entertained in respect of any debt owed by such person to such creditor by reason of the provisions of section 11.

Duties of debtors and creditors.

17. (1) Every debtor by or against whom an application is made under section 4 or who is a party to an application made under section 8 shall produce all books of accounts and shall give such inventories of his property and such lists of his creditors and debtors and of the debts due from and to him, submit to such examination in respect of his property or his creditors, attend at such time before the court, and generally do all such things as may be required by the court or as may be prescribed.

(2) It shall be the duty of every creditor to produce such books of accounts, to submit to such examination and to supply such information in respect of the debt due to him by the debtor and the securities held by him, as may be required by the court or as may be prescribed.

Preliminary issues.

18. (1) On the date fixed for the hearing of an application made under section 4, the court shall decide the following points as preliminary issues:—

(a) whether the person for the adjustment of whose debts the application has been made is a debtor;

(b) whether the total amount of debts due from such person on the date of the application exceeds Rs. 15,000.

(2) If the Court finds that such person is not a debtor or that the total amount of debts due from such person on the date of the application is more than Rs. 15,000 the court shall dismiss the application forthwith:

Provided that before the application is so dismissed the creditors or any of them may remit any specific portion of their claim so as to reduce the total amount of the debts of all the creditors due from such person on the date of the application to a sum not exceeding Rs. 15,000. In such case, the Court shall not dismiss the application but shall proceed further with the same.

(3) The portion of the debts in respect of which the claim is remitted under sub-section (2) shall be extinguished.

Explanation :—For the purposes of this section, the expression "the date of the application" shall mean the date of an application which has been made within the period prescribed under section 4 and where there are two or more applications made for adjustment of debts of the same debtor, the date of the last of such applications.

Transfer of pending suits, appeals, applications and proceedings to the court.

19. (1) All suits, appeals, applications for execution and proceedings in respect of any debt pending in any civil or revenue court shall, if they involve the questions whether the person from whom such debt is due is a debtor and whether the total amount of debts due from him exceeds Rs. 15,000, be transferred to the court.

(2) When an application for adjustment of debts made to a court under section 4 or a statement submitted to a court under section 15 includes a debt in respect of which a suit, appeal, application for execution or proceeding liable to be transferred under sub-section (1) is pending before a civil or revenue court, the court shall give notice thereof to such other court. On receipt of such notice, such other court shall transfer the suit, appeal, application or proceeding, as the case may be, to the court.

(3) When any suit, appeal, application or proceeding is transferred to the court under sub-section (1) or sub-section (2), the court shall proceed as if an application under section 4 had been made to it.

(4) If the court, to which any suit, appeal, application or proceeding is transferred under sub-section (1) or sub-section (2), decides the preliminary issue mentioned in clause (a) of sub-section (1) of section 18 in the negative or that mentioned in clause (b) of the said sub-section (1) in the affirmative, it shall retransfer the suit, appeal, application or proceeding to the court from which it had been transferred to itself after the disposal and subject to the result of the appeal where an appeal is filed, and after the expiry of the period prescribed for an appeal where no appeal is filed.

(5) When any suit, appeal, application or proceeding is retransferred to the court under sub-section (4), the said court shall proceed with the same.

(6) When such suit, appeal, application or proceeding involves the determination of any issue entirely unconnected with the adjustment of debts, the transfer of such suit, appeal, application or proceeding under this section shall not empower the court to determine the said issue and the determination of such issue shall be made as if the transfer of the suit, appeal, application or proceeding was not made under this section.

(7) When any question arises regarding the validity of the transfer or retransfers under this section of any suit, appeal application or proceeding or if any question arises whether any issue is or is not entirely unconnected with the adjustment of debts, the court before which such question arises, if it is not the District Court, may refer the question for decision of the District Court. If such question arises before the District Court the District Court itself decide the same. The decision of the District Court in either case shall be final.

Takings of Accounts.

20. If the court finds the person making an application under section 4 or the person against whom an application is made under the said section 4 to be a person—

(a) who is a debtor, and

(b) the total amount of debts due from whom on the date of the application is not more than Rs. 15,000.

the court shall proceed to take accounts in the manner hereinafter provided.

Examination of creditor and debtor.

21. In an application for the adjustment of debts if the amount of the creditor's claim is disputed, the Court shall, when taking accounts, examine both the

creditor and the debtor as witnesses, unless for reasons to be recorded the Court deems it unnecessary so to do.

Mode of taking accounts.

22. Notwithstanding any agreement between the parties or the persons, if any, through whom they claim, as to allowing compound interest or setting off the profits of mortgaged property without an account in lieu of interest, or otherwise, determining the manner of taking the account, and notwithstanding any statement or settlement of account, or any contract purporting to close previous dealings and create a new obligation, the Court shall inquire into the history and merits of the case and take account between the parties from the commencement of the transactions subsisting between the parties and the persons, if any, through whom they claim, out of which the claim has arisen and determine the amount due to each of the creditors at the date of the application made under section 4, according to the following rules, namely :—

(1) (a) Separate accounts of principal and interest shall be taken ;

(b) In the account of principal there shall be debited to the debtor only such money as may, from time to time, have been actually received by him or on his account from the creditor, and the price of goods, if any, sold to him by the creditor ;

(c) In the accounts of principal and interest there shall also be debited the amounts, if any, respectively due for principal (including costs) and interest under any decree or order passed by a competent court in respect of any debt :

Provided that if such decree or order does not specify the amount of principal and interest separately or does not contain any material for determining the same, two-thirds and one-third of the amount awarded by such decree or order shall for purposes of this clause be deemed to be the amount awarded on account of principal (including costs) and interest, respectively.

(2) In the case of transactions which commenced before the 1st January, 1931 the Court shall take the account up to the date of the institution of the application and in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties or at the rate allowed under any decree passed between the parties, or at a rate not exceeding 6 per cent whichever is the lowest. The amount

found due in respect of principal as well as in respect of interest shall, each separately, be reduced by 40 per cent notwithstanding that a decree or order of a civil court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amounts due in respect of principal and interest on the date of the institution of the application.

(3) In the case of transactions which commenced on or after the 1st January, 1931 but before the 1st January, 1943 in the account of interest there shall be debited to the debtor, simple interest on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties or at a rate not exceeding 6 per cent per annum, whichever is the lowest. The amount found due on the date of the institution of the application in respect of principal as well as interest shall each separately be reduced by 30 per cent notwithstanding that a decree or order of a civil court was passed in respect of any such amount or portion thereof. The amounts so reduced shall be taken to represent the amounts due in respect of principal and interest on the date of the institution of the application.

(4) In the case of transactions which commenced on or after the 1st January, 1943 in the account of interest there shall be debited to the debtor simple on the balance of principal for the time being outstanding at the rate agreed upon between the parties, or at the rate allowed under any decree passed between the parties or at a rate not exceeding 6 per cent. per annum, whichever is the lowest.

(5) All money paid by or on account of the debtor to the creditor or on his account and all profits, service or other advantages of every description received by the creditor in the course of the transactions shall be credited first in the account of interest and when any payment is more than sufficient to discharge the balance of interest due at the rate specified in rule (2), (3) or (4), as the case may be, the residue of such payment shall be credited to the debtor in the account of principal.

(6) The accounts of principal and interest shall be made up to the date of the institution of the application, and the aggregate of the balance, if any, appearing due on both such accounts against the debtor on that date shall be deemed to be the amount due at that date, except when the balance appearing due on the interest-account

exceeds that appearing due on the principal-account, in which case, double, the latter balance shall be deemed to be the amount then due :

Provided that where transactions between the parties have commenced more than 30 years before the 30th January, 1943 any settlement of accounts which has been last arrived at between the parties before the said period of 30 years and which is in writing and bears the signature of the debtor or the person through whom the liability is derived shall be accepted as binding between the parties and no inquiry into the history and merits of the case shall be made prior to the date of such settlement.

In certain cases rent may be charged in lieu of profits.

23. Where any mortgaged property is in the possession of the mortgagee or his tenants other than the mortgagor and the Court is unable to determine what profits have actually been received, it may fix a fair rent for such property and charge to the mortgagee such rent as profits for the purposes of section 2 :

Provided that, if it be proved that in any year there was any suspension or remission of rent or land revenue of such land under the provisions of the Hyderabad Land Revenue Act, 1317 F., an abatement of the whole or part of such amount may be allowed for the year.

Power of Court to declare transfer purporting to be sale to be in nature of mortgage.

24. (1) Notwithstanding anything to the contrary contained in any law, custom or contract, whenever it is alleged during the course of the hearing of an application made under section 4 that any transfer of land by a person whose debts are being adjusted under this Act or any other person through whom he inherited it was a transfer in the nature of a mortgage, the Court shall declare the transfer to be a mortgage, if the Court, is satisfied that the circumstances connected with that transfer showed it to be in the nature of a mortgage.

(2) Any agricultural labourer may make an application before the expiry of one year after the commencement of this Act to the Court, that any transfer of land by him or any other person through whom he inherited it was a transfer in the nature of a mortgage. On hearing the application, the Court shall, notwithstanding anything to the contrary contained in any law, custom or contract, declare the transfer to be a mortgage, if it is satisfied that the circumstances connected with the transfer showed it to be in the nature of a mortgage. When the Court makes any such declaration, the applicant shall, notwithstanding anything contained in the

definition of "debtor" in Clause (6) of section 2, be deemed to be a debtor for the purposes of this Act and the Court shall proceed as if an application under section 4 had been made to it.

Provisions of section 24 not to apply to certain transfers and transferees.

25. Nothing in section 24 shall apply to—

(i) any transfer which has been finally adjudged to be a transfer other than a mortgage by a decree of a Court of competent jurisdiction or by a Board established under section 3 of the repeal Act; and

(ii) any **bona fide** transferee for value without notice of the real nature of such transfer or his representative where such transferee or representative holds under registered deed executed on or before the commencement of the repealed Act.

Notice to Collector, Registrar, Co-operative Societies, Local Authorities and others.

26. (1) On receipt of an application for adjustment of debts, the Court shall give notice to the Collector requiring him to state to the Court within such time as may be fixed by it the amount of the debt due by the debtor to Government.

(2) The Court shall also give similar notice to any local authority, co-operative society or scheduled bank to which any debt may be due by the debtor and also to any person who is entitled to maintenance from the debtor, under a decree or order passed by a competent Court. In the case of any debt due to a co-operative society, the Court shall also give notice to the Registrar of Co-operative Societies or to such officer as the Registrar may nominate in this behalf.

(3) On receipt of such notice the Collector, the local authorrity, the co-operative society or the scheduled bank, or the person entitled to maintenance, as the case may be, shall, within such time as may be fixed by the Court from time to time submit a statement to the Court showing the total amount of the debt due by the debtor as also any recurring liability against such debtor in respect of the liability for maintenance under the decree or order.

(4) The Collector, the co-operative society and the scheduled bank shall also furnish a statement to the Court showing the amount of remission which the Government, the co-operative society or the scheduled bank, as the case may be, is willing to give in respect of the debt.

(5) The portion of any debt remitted under sub-section (4), and unless the Court otherwise directs any debt

or portion there of in respect of which no statement is submitted under sub-section (3), shall be extinguished.

Court's duty to determine particulars, value, etc., of property.

27. After taking accounts under section 22 the Court shall in the manner hereinafter provided determine—

(1) the particulars of the property belonging to the debtor,

(2) the value of the said property,

(3) the particulars of any incumbrances on said property, and

(4) the paying capacity of the debtor.

Fraudulent alienations or incumbrances void.

28. (1) If in the course of the hearing of an application made under section 4, the Court finds that the debtor has made an alienation of property or created any incumbrance thereon with intent to defeat or delay any of his creditors the Court shall, by notice, summon the debtor and the person in whose favour the alienation or incumbrance is made or created to appear before it on a day to be specified in the notice.

(2) On the day specified in the notice or such other day to which the hearing may be adjourned the Court shall hear the parties and record evidence as may be produced and if it is satisfied that the alienation was made or the incumbrance was created with intent to defeat or delay any of the creditors of the debtor, the Court shall declare the alienation of incumbrance to be void.

(3) Nothing in this section shall impair, the rights of an alienee or the holder of an incumbrance in good faith and for valuable consideration.

Value of property of debtor to be determined by court in prescribed manner.

29. (1) Subject to the provisions of sub-sections (2), (3) and (4), the value of the property and other assets of a debtor for the purposes of ascertaining the paying capacity of the debtor under section 27 shall be determined by the Court in the prescribed manner.

(2) The property or assets which are exempt from attachment in execution of a decree of a Civil Court under the Code of Civil Procedure, 1908, shall not be taken into account.

(3) The amount of the debts mentioned in section 3 shall be deducted.

(4) The market value of the lands which under any law for the time being in force, are not transferable or alienable except with the previous sanction of the Col-

lector or the Government, shall be calculated in such manner as may be prescribed.

Paying capacity.

30. The paying capacity of the debtor shall, for the purposes of this Act, be deemed to be sixty per cent. of the value of all the property of the debtor:

Provided that when any portion of such property yields income but the market value of such portion cannot be determined, the value of such portion shall be the amount of the income capitalized at six per cent. per annum.

Debts payable by debtors to be scaled down.

31. (1) Notwithstanding any law, custom, contract, award or decree of a Court to the contrary the amounts found due under section 22 from a debtor shall be further scaled down in the manner hereinafter provided.

(2) If all the debts found due by a debtor after taking accounts under section 22 are unsecured, such debts shall be further scaled down **pro rata** to the paying capacity of the debtor.

(3) If all the debts found due by a debtor after taking accounts under section 22, are secured debts, and the total amount of such debts is more than sixty per cent., of the value of the property belonging to the debtor, such debts shall be further scaled down **pro rata** to the paying capacity of the debtor.

(4) If the debts found due by a debtor after taking accounts under section 22 are both secured and unsecured, and if the total amount of the secured debts is more than sixty per cent. of the value of the property on which, such debts are secured, the secured debts shall be further scaled down **pro rata** to sixty per cent. of the value of the property on which such debts are secured and the unsecured debts shall be further scaled down **pro rata** to sixty per cent. of the value of the other property belonging to the debtor over which no debts are secured.

Award.

32. (1) After determining the amount of debts scaled down in the manner provided in section 31, the Court shall, save as otherwise provided in section 33, make an award.

(2) The award shall be in the prescribed form and shall be drawn up subject to the following provisions:—

(i) the amount of the secured debts scaled down shall be charged on the properties on which they may have been secured;

(ii) subject to clause (i) the amount of unsecured debts shall be charged on all the properties of the debtor unless all the creditors declare in writing that the unsecured debts due may not be charged on any of the properties of the debtor ;

(iii) in fixing the priority in which debts shall be paid the following order shall be followed—

(a) debts due to Government, which are charged on the immovable property belonging to the debtor or which are recoverable as the current year's land revenue.

(b) debts due to local authorities, which are charged on the immovable property belonging to the debtor or which are recoverable as the current year's dues.

(c) loans given by persons authorised under section 63 of this Act, for seasonal finance under this Act.

(d) secured debts in order of priority.

(e) debts due to Government, local authorities and other bodies including co-operative societies, and recoverable as arrears of land revenue.

(f) other debts due to co-operative societies.

(g) unsecured debts :

Provided that in the case of unsecured debts they shall be paid **pro rata ;**

(iv) the total annual instalments shall not exceed twelve :

Provided that in fixing the amount of instalments in which the debts shall be paid the Court shall ascertain the net annual income of the debtor and the annual instalments payable by the debtor shall not exceed his net annual income.

Explanation.—For the purposes of this clause, the net annual income of the debtor shall mean the balance of his annual income after deducting :—

(a) such sum as may be considered necessary for the payment of the liability, if any, imposed on the debtor under a decree or order for maintenance passed by a competent Court ;

(b) such sum as may be considered necessary for the maintenance of the debtor and his dependents, and

(c) the sum required by the debtor to pay the assessment and taxes in respect of the current year to Government and to local authorities and to pay off loans

borrowed for the purpose of seasonal finance under this Act;

(v) the Court may pass an order for the delivery of possession of any property notwithstanding any law or contract to the contrary;

(vi) the rate of interest shall not exceed 6 per cent. per annum or such less rate as may be notified in this behalf by the Government or the rate agreed upon between the parties when the debt was originally incurred or the rate allowed by the decree in respect of such debt, whichever is the lowest.

Court to prepare scheme for adjustment of debts through Land Mortgage Bank.

33. (1) Where the amount of debts of the debtor as scaled down under section 31 by it exceeds half the value of the debtor's immovable property as determined by it, the Court shall intimate to the creditors the amount of the said debts of the debtor and the said value of the debtor's immovable property and call upon them to state in writing within a specified period not exceeding one month whether they agree to the further scaling down of the said debts so as to reduce them to a sum not exceeding half the said value of the immovable property of the debtor. If a majority in number and three-fourths in value of all the creditors agree to the further scaling down of the debts the Court shall make an order directing the debtor or pay the amount of such debts so agreed upon within a period of three months from the date of the order.

(2) Unless the debtor pays the amount of such debts within a period of three months from the date of the order or such extended period not exceeding three months as the Court may allow and produces the creditor's receipt therefor the Court shall prepare a scheme embodying the terms of an award to be passed under this section for adjustment of the debts and shall send the scheme to the Primary Land Mortgage Society situated in the local area and if there is no such Primary Land Mortgage Society in that local area, to the Hyderabad Central Co-operative Land Mortgage Bank registered or deemed to be registered under the Hyderabad So-operative Societies Act, 1952, for acceptance within a period of two months from the date of receipt by it of the scheme. If the Primary Land Mortgage Society or the Hyderabad Central Co-operative Land Mortgage Bank, as the case may be, agrees to accept the scheme, or does not inform the Court within the period of the said two months that

it does not agree to accept the scheme, the Court shall make an award in the prescribed form directing that the Society or Bank, as the case may be, shall pay the creditors in cash the debts as finally scaled down or if the creditors so desire, in bonds issued by the Hyderabad Central Co-operative Land Mortgage Bank, such bonds being guaranteed by the Government for such amount in full satisfaction of all the debts due to them from the debtor. The Court shall further direct that such amount shall be charged on all the immovable property of the debtor.

(3) The Bank or Society shall be entitled to recover the amount due to it from the debtor in such annual instalments as may be fixed by the Court having regard to the circumstances of the debtor and the by-laws of the bank or society and the amount of principal shall carry and be recoverable together with interest at such rate not exceeding 6 per cent. per annum as the Government may notify in this behalf in the Jarida from time to time.

(4) All sums due under an award made in favour of the bank or society under this section shall without prejudice to any other modes of recovery allowable by law be recoverable as arrears of land revenue:

Provided that any application for the recovery of such sums as arrears of land revenue shall be made to the Collector and shall be accompanied by a certificate signed by the Court.

No recovery of amount excess of debts scaled down.

34. The amount of debts scaled down under section 31 or further scaled down under section 33 shall for the purposes of this Act, be the amount due by the debtor in respect of the said debts and the portion of the debts in excess of this amount shall be extinguished.

Debts not to be scaled down in case of collusion.

35. If the Court making an award under section 32 is at any stage of the proceeding satisfied—

(i) that the debtor had in collusion, with any creditor furnished in such proceeding incorrect information in respect of the debt due by him to such creditor with a view to defeat the lawful claims of any other creditor, the Court may refuse to scale down any of the debts of such debtor in the manner provided in section 31 and may make an award for the full amount of the debts due from such debtor;

(ii) that any claim by a creditor in such proceeding had been put forward in collusion between

the debtor and such creditor with a view to defeat the lawful claims of any other creditor, the Court shall order that the debt by the debtor to such creditor shall be extinguished and such debt shall not be recoverable.

Ex parte proceedings if any party does not appear.

36. (1) Notwithstanding that the person for the adjustment of whose debts an application has been made under section 4 or any of his creditors does not appear on the date fixed for the hearing of the application or on any date to which it may be adjourned, the court shall proceed **ex parte** to hear the application, decide the preliminary issues and, if necessary, make the award, on the evidence available.

(2) When an application made under section 4 is heard and disposed of ex parte under sub-section (1), the decision on the preliminary issues or the award shall not, except for sufficient reasons, be reopened merely on the ground that any of the parties thereto did not appear at the hearing.

Reopening of award and readjustment of debts.

37. If, after an award is made under section 32, the Court finds on an application made to it by any party or otherwise, that the debtor has other property which was not disclosed to the Court when the award was made, or that any property included in the award did not belong to the debtor, the Court may, notwithstanding anything contained in this Act, reopen the award and readjust the debts in accordance with the provisions of this Act :

Provided that where the Court is satisfied that the non-disclosure of such property was in consequence of any fraud on the part of the debtor, the Court in revising the award shall not give the debtor the benefit of section 31.

Award to be registered how executed.

38. (1) Every award made under this Act, if it is in respect of debts charged on the properties of the debtor shall, on the payment of court-fee under section 45, be registered in the manner provided in Chapter III.

(2) The court-fee on the award shall be paid by the party ordered by the Court to bear the costs :

Provided that any creditor who is not ordered to bear the costs may pay such court-fee. Such creditor shall be entitled to recover the amount of court-fee paid by him from the debtor with the first instalment payable to him under the award :

Provided further that no court-fee shall be payable by a co-operative society.

(3) The award shall be executed as follows:—

(i) If the debtor makes default in the payment of any instalment due under the award to any creditor such creditor may apply in the prescribed form to the Court for execution of the award.

(ii) If the Court on receipt of such application is satisfied that the debtor has made default in the payment of the instalment the Court shall transfer the award for execution to the Collector and thereupon the Collector shall recover the amount of the instalment from the debtor as arrears of land revenue:

Provided that nothing in clauses (i) and (ii) shall affect the right of Government, a local authority or a co-operative society to have recourse to any mode of recovery allowable by any law for the time being in force.

(iii) If the Court has passed an order for the delivery of possession of any property under clause (v) of sub-section (2) of section 32 such order shall on the application be executed by the Court as if it were a decree passed by it.

Postponement of payment of instalment in case of remissions, etc.

39. (1) Whenever from any cause the payment of one-half or more of the land revenue payable to the Government is suspended or remitted the payment of the whole of the instalment due for that year and the full amount of the instalment due for each subsequent year under an award made under section 8, 9, 32, 33, 52 or 66 shall be postponed for one year.

(2) Whenever from any cause the payment of any portion less than one-half of the land revenue payable to the Government is suspended or remitted one-half of the amount of the instalment for that year and the full amount of the instalment due for each subsequent year under an award made under section 8, 9, 32, 33, 52 or 66 shall be postponed for one year.

No alienation by debtor before discharge of debts valid.

40. Notwithstanding any law or contract but subject to the provisions of sections 41 and 62, no alienation of any property belonging to a debtor who is a party to any proceedings under this Act or an award registered under this Act, made by him before all his debts are discharged shall be valid, except with the previous sanction of the Court.

Court may order sale of debtor's property in liquidation of his debt.

41. If the Court or the Court hearing an appeal against the award is at any time satisfied that it is in the interest of a debtor that any part of his property should be sold in liquidation of his debt or part thereof, such Court may permit the debtor to sell such part of the property for such purpose within a specified period. If the debtor fails so to sell it, such Court may order an officer of the Court to sell the same. The property ordered to be sold under this section shall be sold by such officer in the manner prescribed ;

Provided that the part of the property ordered to be sold under this section shall not exceed the part liable to be sold under sub-section (2) of section 55.

Pleaders, etc., excluded from appearance.

42. Except in proceedings under sections 24, 28 and sub-section (3) of section 38 no pleader shall be entitled to appear on behalf of any party in any proceeding before the Court or the Court in appeal under this Act :

Provided that the Court or the Court in Appeal in the interest of justice may allow the parties to be represented at their own cost by a pleader :

Provided further that pleader's fees shall not be allowed as part of the costs for the appearance of a pleader in any proceedings under this Act :

Provided also that if any officer of Government is appointed or declared by a competent Court or is authorised under any law for the time being in force as a guardian, administrator or manager of the property of a person who is under a legal disability or is incompetent or unable to manage or to act, such officer shall be entitled to appear through a representative authorised by him in writing in this behalf in any proceedings before the Court or the Court in appeal. Such representative may also submit any application and otherwise act on behalf of the officer in any such proceedings.

Appeals.

43. Notwithstanding anything contained any other law—

(1) an appeal shall lie :—

(i) from every order passed under sub-section (3) of section 8 ;

(ii) from every order passed under section 18 ;

(iii) from every order passed under section 24 ;

(iv) from every order passed under section 28 ;

(v) from every order passed under sub-section (2) of section 36;

(vi) from every award made under this Act other than an award made in terms of a settlement under sub-section (4) of section 8 or under section 9 or an award made under section 33 before the making of which the creditor's agreement has been obtained under sub-section (1) thereof or an award before the making of which neither the debtor nor any of the creditors produced evidence to enable the Court to determine the amount of debt due from the debtor;

(vii) from an order made under sub-section (1) or (2) of section 55 adjudicating the debtor an insolvent, provided that no appeal shall lie from such order except on the ground that the insolvent has failed to disclose all the material facts relating to his assets and liabilities;

(2) An appeal from the Court shall lie to the District Court, and the appeal shall be made within sixty days from the date of the order or award, as the case may be. In computing the period of sixty days the provisions contained in sections 4, 5 and 12 of the Indian Limitation Act, 1908, shall, so far as may be apply:

Provided that section 11-B of the Hyderabad City Civil Courts Act shall apply in relation to appeals from the decision of a Judge of the City Civil Court.

(3) No second appeal shall lie against any decision, order or award of the Court under this Act.

Power of District Judge to refer for disposal certain appeals to the Subordinate Judge or the Additional District Judge.

44. A District Judge may refer for disposal any appeal filed under the last proceeding section to an Additional Judge or subject to the limits of his pecuniary jurisdiction to the Subordinate Judge.

Court-fees.

45. (1) Notwithstanding anything contained in the Hyderabad Court-Fees Act, court-fees payable in respect of proceedings under this Act shall be at the following rates:—

(i) on an application under sub-section (1) of section 4 or of section 8 or on an award under sub-section (4) of section 8 or section 9 — Re. 1 ;

(ii) on an award other than an award specified in clause (i) Re. 1 for every hundred rupees, or part thereof, of the amount of the award, subject to a maximum of Rs. 50 ;

(iii) on an appeal against a decision of the Court under sub-section (3) of section 8 or sub-section (2) of section 18—Rs. 2 ;

(iv) on an appeal other than an appeal specified in clause (iii) Re. 1 for every hundred rupees, or part thereof of the amount involved subject to a maximum of Rs. 50.

(2) Notwithstanding anything contained in any law, the court-fees payable in respect of proceedings under this Act shall be a first charge on the property of the party ordered to pay the costs and shall be recoverable in such manner as may be prescribed.

Notice how served.

46. Any notice required to be served under this Act shall be served in the manner provided in th Code of Civil Procedure, 1908 ; and when rules are made in that behalf in such manner as may be prescribed.

Provisions of Civil Procedure Code to apply to proceedings.

47. Save as otherwise expressly provided in this Act, the provisions of the Code of Civil Procedure, 1908, shall apply to all proceedings under this Chapter :

Provided that the Court may in a proper case and in such terms as may appear to it to be just, exercise its powers to add or strike out parties under rule 10 of Order I of the said Code in any proceeding pending before it under section 4 or 24, notwithstanding the fact that such addition, or striking out of parties is to be made after the date specified in section 4 or 24, as the case may be, has elapsed.

CHAPTER III.

Registration of Awards.

Debt Adjustment Register and Index.

48. In all registration offices a book called " Register of Debt Adjustment Awards " and an Index relating thereto shall be kept. The book and index shall be kept in such form and shall contain such particulars as the Government may prescribe.

Court to send awards and memorandum to Registrars and Sub-Registrars.

49. Where an award is required to be registered under section 38, it shall be the duty of the Court making an award to send to the Sub-Register of the sub-district in which the property which is the subject-matter of the award or any part of such property is situated, or if there is no Sub-Registrar for the area to the Registrar of the district in which the property or its part is situate a certified copy of the award after court-fee has been paid thereon in accordance with the provision of section 45 together with a memorandum containing such particulars as the Government may prescribe.

Notice of appeals to Registrars.

50. If a party files an appeal against an award under section 43 and if such award has been registered under section 38, it shall be the duty of the Court in which the appeal is filed to send to the Sub-Registrar or the Registrar to whom a certified copy of the award has been sent under section 49, a notice regarding the institution of the appeal.

Registration.

51. After the expiry of the period provided for an appeal against an award, if no appeal is filed, or if an appeal is filed after the disposal of the said appeal the Sub-Registrar or the Registrar, as the case may be, shall register the award in the Register of Debt Adjustment Awards and shall also enter particulars in the Index kept under section 48.

Registration of awards under the repealed Act or the Bombay Act XXVIII of 1947.

52. All awards—

(a) made under the repealed Act whether registered before th commencement of this Act under the provisions the said Act or not, and

(b) made under the Bombay Agricultural Debtors Relief Act, 1947, pertaining to any of the enclaves transferred from the State of Bombay to the State of Hyderabad specified in the schedule to the Hyderabad Absorbed Enclaves Act, 1951, which have been or may be transferred to the competent Courts of the State of Hyderabad, whether registered under the provisions of the said Bombay Act or not, shall be registered under this Chapter :

Provided that notwithstanding anything contained in section 45 no additional court-fee shall be paid on such awards under the said section.

Notice of awards.

53. Any person acquiring any property or any part of, or any share or interest in, the property of a debtor for adjustment of whose debts an award has been made and registered shall be deemed to have notice of the award as from the date of the registration under this Chapter.

Application of Indian Registration Act.

54. Except as herein provided, the provision of the Indian Registration Act, 1908, shall **mutatis mutandis** apply to the registration of awards, and the words and expressions used in the Chapter but not defined in the Act, shall have the meanings assigned to them in the Indian Registration Act, 1908.

CHAPTER IV.

Insolvency Proceedings.

Court to declare debtors insolvent in certain circumstances.

55. (1) If at any stage of the proceedings under Chapter II the Court finds that the income of the debtor and his movable property are not sufficient to allow his debts to be liquidated by annual instalments not exceeding twelve in number, the Court shall make an order adjudicating the debtor an insolvent.

(2) If at any time after the expiration of two years from the date of an award, the debtor satisfies the Court that there is no reasonable probability of his being in a position to pay the remaining amount of instalments fixed under the award, the Court may, notwithstanding anything contained in this Act, after giving notice to the creditor modify the terms of the award and reduce the amount of the instalment as it may think fit, provided that the total annual instalments in which the balance of the debts shall be paid in such instalments shall not exceed twenty or the Court may make an order adjudicating the debtor an insolvent.

(3) After the debtor has been adjudicated an insolvent, the Court shall direct that such portion of the property of the debtor liable to attachment and sale under section 60 of the Code of Civil Procedure, 1908, excluding such portion thereof as the Government shall, from time to time, notify in the Jarida as the minimum necessary for the maintenance of the debtor and his dependents as may be required to liquidate all the debts of the debtor, shall immediately be sold free of all incumbrances in liquidation of all debts outstanding against such debtor.

Procedure in insolvency proceedings.

56. The order of adjudication made under sub-section (1) or (2) of section 55 shall have the force of an order made by a competent Court in the exercise of its powers under the Hyderabad Insolvency Act.

Distribution of assets of insolvent.

57. The proceeds realised by the sale of the property of the insolvent under section 55 shall be distributed in the order of priority specified in clause (iii) of sub-section (2) of section 32.

Bar to application in insolvency in other courts.

58. No application or proceeding in regard to the insolvency of debtor shall lie in or shall be dealt with by any other Court.

Appeals barred.

59. Save as provided by sub-clause (vii) of clause (i) of section 43, no appeal shall lie from any order passed under this Chapter.

CHAPTER V.

Miscellaneous.

Bar of civil suits or proceedings.

60. Except as otherwise provided by this Act and notwithstanding anything contained in any other law, no Civil Court shall entertain or proceed with any suit or proceeding in respect of—

(i) any matter pending before the Court under this Act, or

(ii) the validity of any procedure or the legality of any award, order or decision of the Board established under section 3 of the repealed Act or of the Court, or

(iii) the recovery of any debt made payable under such award.

Period of proceedings before courts under this Act to be excluded.

61. In computing the period of limitation for the institution of any suit or proceeding in respect of any debt due from any person who is held not to be a debtor by the Court or the Court in appeal or an application relating to which has been dismissed by the Court or the Court in appeal, the period during which the proceedings in respect of such debt were prosecuted before the Court or the Court in appeal shall be excluded.

Alienation of standing crops, etc., before payment of loan prohibited.

62. (1) No person who is or was a party to any proceedings or award under this Act and who is indebted to any person authorised to advance loans under section 63 of this Act on account of any loan advanced to him for the financing of the crops or seasonal finance under this

Act, shall hypothecate or sell the standing crops or the produce of his land without previous permission of the person until such loan has been repaid in full.

(2) Any person who hypothecates or sells the standing crop or the produce of his land in contravention of sub-section (1), shall, on conviction, be punishable with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500.

(3) No Criminal Court shall take cognizance of any offence under this section except on the complaint in writing of the Court before which the proceedings were held or which made the award.

Power of Government to authorise any person to advance loans to debtors.

63. (1) The Government or any officer empowered by it may by notification in the Jarida authorise in any local area any person to advance loans to debtors who are parties to any proceedings under this Act or in respect of whose debts an adjustment has been made under this Act.

(2) Such authority shall be granted on such conditions as may be prescribed.

Rules.

64. (1) The Government may by notification in the Jarida and subject to the condition of previous publication, from time to time, make rules for carrying into effect the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision, such rules may be made for all or any of the following purposes, namely—

(a) the purposes for which loans may be advanced under clause (13) of section 2;

(b) the form of application under sub-section (2) of section 4, and the manner of signing, verification and presentation thereof;

(c) the form of application and the manner of signing and verification thereof under sub-section (2), the manner of giving notice under sub-section (3) and the matters which the Court shall have regard to while considering a settlement under sub-section (4) of section 8;

(d) the manner of giving notice and publication of general notice and the form of statement to be submitted under section 15;

(e) the inventories of property, lists of creditors and of debtors and of debts due to and from a debtor, the examination in respect of property or creditors, the time at which the debtors shall attend before the Court

and do other things in relation to property under sub-section (1) of section 17, and the production of books of account, the examination to be submitted to, and the information to be supplied by a creditor in respect of the debt due to him by the debtor under sub-section (2) of section 17 ;

(f) the manner of determining the value of property and other assets under sub-section (1), and the manner of calculating the market value of the lands under sub-section (4) of section 29 ;

(g) the form of award under sub-section (2) of section 32 and sub-section (2) of section 33 ;

(h) the form of application under clause (i) of sub-section (3) of section 38 ;

(i) the manner in which property may be sold under section 41 ;

(j) the manner of recovery of court-fees under sub-section (2) of section 45 ;

(k) the manner of service of notice under section 46.

(l) the form of and the particulars to be included in the Register of Debt Adjustment Awards and the Index kept under section 48 ;

(m) the particulars to be included in the memorandum under section 49 ;

(n) the conditions on which authority to grant loans shall be granted under sub-section (2) of section 63.

Repeals.

65. The debt Conciliation Act, 1349 F., is hereby repealed.

All Boards established under section 3 of the repealed Act shall be dissolved :

Provided that—

(a) All proceedings pending before any such Board at the date when this Act comes into force shall—

(i) if they are within the pecuniary limits of the jurisdiction of a Court, be continued and disposed of by the Court under this Act as if an application under section 4 had been made to the Court in respect thereof ;

(ii) if they are beyond the pecuniary limits of the jurisdiction of a Court, be continued and disposed of as if this Act had not been passed ;

(b) All awards made, confirmed or modified under the repealed Act shall be deemed to have been made, confirmed or modified under this Act as if this Act was in force at the date when the said awards were made, confirmed or modified, as the case may, be;

(c) All appeals pending before any Court-under the repealed Act against decision, order or award of such Board shall be continued and disposed of as if the said appeals were filed under the provisions of this Act.

(d) All appeals which could have been filed under the repealed Act against any decision, order or award of such Board but which could not be filed only by reason of the fact that the said Act was repealed by this Act shall when filed before a competent court be deemed to have been filed under the provisions of this Act and shall be disposed of accordingly.

Special provision for enclaves transferred from the State of Bombay to the State of Hyderabad.

66. In the case of enclaves transferred from the State of Bombay to the State of Hyderabad specified in the schedule to the Hyderabad Absorbed Enclaves Act, 1951—

(a) all proceedings pending before any Court of the State of Bombay on the 25th day of January, 1950, under the Bombay Agricultural Debtors' Relief Act, 1947, which have been or may be transferred to the competent Court of the State of Hyderabad, shall be continued and disposed of by the latter court under this Act as if an application under section 4 had been made to the Court in respect thereof;

(b) all awards made, confirmed or modified under the said Bombay Act which have been or may be transferred to the competent Court of the State of Hyderabad shall be deemed to have been made, confirmed or modified under this Act, as if this Act was in force at the date when the said awards were made, confirmed or modified, as the case may be;

(c) all appeals pending before any Court of the State of Bombay under the aforesaid Bombay Act against the decision, order or award of such Court which have been or may be transferred to the competent Court of the State of Hyderabad shall be continued and disposed of in the latter Court as if the said appeals were filed under the provisions of this Act; and

(d) all appeals which could have been filed under the aforesaid Bombay Act against any decision, order or award of a Court of the State of Bombay but which could not be filed only by reason of the fact that, that Act ceased to be in force in the enclaves on and from the 25th day of January, 1950, shall when filed before the competent Court of the State of Hyderabad, be deemed to have been filed under the provisions of this Act and shall be disposed of accordingly. In computing the period of limitation for the filing of any such appeal, the period during the which the aforesaid Bombay Act ceased to be in force shall be excluded and a further period of three months shall be allowed from the date of the commencement of this Act.

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THE HYDERABAD GRAM PANCHAYATS ACT, 1956.

No. XVII of 1956.

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THE HYDERABAD GRAM PANCHAYATS

Act, 1956.

No. XVII of 1956.

(Received the assent of the President on 24th July, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 28th July, 1956).

An Act re-enact the law relating to Gram Panchayats in the State of Hyderabad.

Preamble.

WHEREAS it is expedient to re-enact the law relating to Gram Panchayats;

BE it enacted in the Seventh Year of our Republic as follows:—

CHAPTER I.

Preliminary.

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Gram Panchayats Act, 1956.

(2) It extends to the whole of the State of Hyderabad except areas included within the jurisdiction of Municipal Corporations, Municipal Committees, Town Committees, Mines Boards of Health or Cantonment Boards.

(3) It shall come into force on the date of its publication in the official Gazette.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context—

(1) 'Building' includes a house, out-house, shop, stable, warehouse, workshop, canopy, shed, hut or other enclosure whether used as a human dwelling or otherwise, and shall include wall, compound wall, fencing, verandah, platform, plinth, doorstep and the like;

(2) 'Business' includes any trade, commerce or manufacture or an adventure or concern in the nature of trade, commerce or manufacture;

(3) 'Case' means with reference to judicial proceedings any criminal proceedings in respect of any offence triable by a Nyaya Panchayat;

(4) 'Collector' means the Collector of a Revenue District;

(5) 'Company' means a company as defined in the Indian Companies Act, 1913 (VII of 1913) or formed in pursuance of an Act of Parliament or of an Act of the

Legislature of a State and includes any firm or association carrying on business in the State of Hyderabad whether incorporated or not, or its principal place of business is situated therein, or not ;

(6) 'District Board' means the Board constituted under the Hyderabad District Boards Act, 1955 (I of 1956);

(7) 'Deputy Collector' means the Deputy Collector of a Revenue Division ;

(8) 'District Panchayat Officer' means an officer appointed under section 122 of this Act ;

(9) 'Erection or re-erection' of any building includes—

(i) any material alteration or enlargement of any building ;

(ii) the conversion, by structural alteration, into a place for human habitation of any building not originally constructed for human habitation ;

(iii) the conversion of one or more places of human habitation into a greater number of such places ;

(iv) the conversion of two or more places of human habitation into a lesser number of such places ;

(v) such alteration of a building as would affect a change in the drainage or sanitary arrangements or materially affect its security ;

(vi) the addition of any rooms, buildings, outhouses or other structures to any building ;

(vii) the conversion, by any structural alteration, into a place of religious worship or into a sacred building, any place or building not originally meant or constructed for such purpose ;

(viii) roofing or covering an open space between walls or building, as regards the structure which is formed by roofing or covering such space ;

(ix) conversion into a stall, shop, warehouse or godown of any building not originally constructed for use as such or **vice versa ;**

(x) construction on a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land ;

(10) 'Factory' means besides a factory as defined in the Factories Act, 1948 (LXIII of 1948) any premises including the precincts thereof wherein any industrial, ma-

nufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(11) 'Financial year' means the year beginning on the first day of April, or such other date as the Government may, by notification, appoint;

(12) 'Gram Panchayat' means a Gram Panchayat established under this Act;

(13) 'Gram Sabha' means a Gram Sabha which comes into existence under section 5 of this Act;

(14) 'Karbhari' means the Karbhari appointed under section 43 of this Act;

(15) 'Latrine' includes privy, water closet and urinal:

(16) 'Local Authority' includes a Municipal Corporation, Municipal and Town Committee, District Board, Cantonment Board and Gram Panchayat;

(17) 'Market' means a place for the sale of goods or animals publicly exposed, where ordinarily or periodically at least four shops, stalls or sheds are set up or where at least twenty-five animals are brought for sale;

(18) 'Nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life, or injurious to the health or property of the public, or of the people in general, who dwell in the vicinity or of persons who may have occasion to exercise a public right;

(19) 'Nyaya Panch' means a Nyaya Panch elected under section 167 of this Act;

(20) 'Nyaya Panchayat' means a Nyaya Panchayat established under section 164 of this Act;

(21) 'Offensive or dangerous trade' means any trade, business or industry in which the substances, dealt with, are likely to become a nuisance;

(22) 'Offensive matter' includes filth, sewage, dirt, house sweepings, spittings, including chewed betels and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and waste-paper;

(23) 'Panch' means a Panch elected for a Gram Panchayat under section 9 of this Act;

(24) 'Panchayat Inspector' means the Panchayat Inspector appointed under section 122 of this Act;

(25) 'Pradhan' means a Pradhan elected under section 168 of this Act;

(26) 'Prescribed' means prescribed by rules made under this Act;

(27) 'Proceedings' means proceedings specified under section 194 of this Act;

(28) 'Public Market' means any market belonging to a Gram Panchayat or acquired, constructed, maintained or managed by the Gram Panchayat;

(29) 'Public place' means a space not being private property, which is open to the use or enjoyment of the public, whether such space is vested in the Gram Panchayat or not;

(30) 'Public Street' means any street over which the public have a right of way, whether a thoroughfare or not;

(31) 'Revenue Village' means any local area which is recognised by Government as a village for the purpose of revenue administration;

(32) 'Sarpanch' means the Sarpanch elected under section 26 of this Act;

(33) 'Schedule' means the schedule annexed to this Act;

(34) 'Street' includes any highway, causeway, bridge, viaduct, arch, road, land, footway, subway, court, alley or riding path or passage, whether a thoroughfare or not; and when there is a footway as well as carriageway in any street, the said term includes both;

(35) 'Suit' means a civil suit triable by a Nyaya Panchayat under this Act;

(36) 'Tahsildar' means Tahsildar of a Revenue Taluka;

(37) 'Tax' includes any toll, rate, cess, fee or other impost leviable under this Act;

(38) 'Upa-pradhan' means the Upa-pradhan elected under section 168 of this Act;

(39) 'Upa-Sarpanch' means the Upa-Sarpanch elected under section 26 of this Act;

(40) 'Vehicle' includes a bicycle, cycle-rickshaw, tricycle, auto-rickshaw, motor car and every wheeled conveyance which is used or is capable of being used on a public street;

(41) 'Village' means any local area which is declared to be a village under this Act.

(2) In this Act—

(a) the expression "offence," "complaint," "officer-in-charge of a police station" and "police station" have the same meaning as in section 4 of the Code of Criminal Procedure, 1898;

(b) the expression "decree," "Legal representative" and "movable property" have the same meaning as in section 2 of the Code of Civil Procedure, 1908 (V of 1908).

CHAPTER II.

Constitution of Gram Panchayats.

Declaration of a village for the purposes of this Act.

3. (1) The Government shall, in consultation with the District Board and in the manner prescribed, by a notification published in the Official Gazette—

(a) declare any revenue village which at the last official census had a population of not less than 1,000 and not more than 5,000, to be a village for the purposes of this Act;

(b) group a revenue village with any contiguous revenue village or villages so that the total population of all the revenue villages so grouped is not less than 1,000 and not more than 5,000, and declare the revenue villages so grouped to be a village for the purposes of this Act, and specify the name of such village:

Provided that the Government may, in consultation with the concerned District Board, declare a revenue village or a group of revenue villages with a population of less than 1,000 or more than 5,000, to be a village for the purposes of this Act.

(2) The Government may, after consultation with the District Board, by a like notification at any time—

(a) include within any village or exclude from any village any revenue village or otherwise alter the limits of any such village:

Provided that the population of the residuary village in case of exclusion of a revenue village, is not less than 1,000;

(b) declare that a village shall cease to be a village.

Exclusion and inclusion of a hamlet.

4. The Government may, in the manner prescribed, by a notification published in the official Gazette, exclude from a village any hamlet thereof so as to include the said

hamlet within the jurisdiction of any other adjoining village specified in the notification.

Gram Sabha.

5. (1) There shall come into existence a Gram Sabha for every village on the date of publication of notification under section 3.

(2) A Gram Sabha shall consist of all persons whose names are included in the list of voters referred to in section 11, and such persons shall be deemed to be the members of the Gram Sabha.

Meetings of Gram Sabha.

6. (1) There shall be held two meetings of the Gram Sabha every year on such date, place and time as may be fixed by the Gram Panchayat :

Provided that the Sarpanch may at any time, or upon a requisition in writing of not less than one-fifth of the members of the Gram Sabha, shall, within thirty days from receipt of such requisition, call an extraordinary meeting.

(2) The Sarpanch shall preside over every meeting of the Gram Sabha.

(3) (a) The first meeting of the Gram Sabha in every financial year shall be held within two months from the commencement of that year and the Gram Panchayat shall place before such meeting its—

(i) annual statement of accounts,

(ii) report on the administration of the preceding financial year, and

(iii) programme of works for the financial year.

(b) The Gram Panchayat shall consider suggestions, if any, of the Gram Sabha.

Establishment of Gram Panchayat.

7. There shall be established for every village a Gram Panchayat ; such Gram Panchayat shall come into existence on such date as the Collector or any other officer appointed by Government in this behalf (hereinafter referred to in the Act as the competent officer) may, in the manner prescribed, notify.

Incorporation of the Gram Panchayat.

8. Every Gram Panchayat shall be a body corporate by the name of the village as specified in the notification issued under section 3, shall have perpetual succession and a common seal, and subject to any restrictions or qualifications imposed by or under this Act or any other law, shall be vested with the authority of suing or being sued in its corporate name, of acquiring, holding and transferring

property movable or immovable, of entering into contracts and of doing all things necessary, proper and expedient for the purposes of this Act.

Constitution of a Gram Panchayat.

9. (1) A Gram Panchayat shall consist of such number of elected members as the Collector or the competent officer shall, by notification published in the manner prescribed, declare for each Gram Panchayat.

(2) The representation of each constituency in the Gram Panchayat shall be on the basis of the population of that constituency as ascertained in the preceding census of which the relevant figures have been published and shall be on a scale of not more than one Panch for every 150 of the population :

Provided that the total number of Panchas in the Gram Panchayat shall, in no case, be more than twelve or less than six.

(3) Of the Panchas of a Gram Panchayat there shall be reserved such number of seats for the Scheduled Castes and Scheduled Tribes as shall bear as nearly as may be, the same proportion to the total number of seats in a Gram Panchayat as the population of the Scheduled Castes and Scheduled Tribes in the village bears to the total population of the village.

Explanation.—In this section Schedule Castes and Scheduled Tribes shall have the same meaning as is assigned to the expressions in Clauses (24) and (25) of Article 336 of the Constitution of India.

(4) The determination of seats for the Scheduled Castes and Scheduled Tribes under sub-section (3) shall be made by the collector or the competent officer by notification published in the manner prescribed.

Delimitation of constituencies.

10. For the purpose of election to the Gram Panchayat the Deputy Collector shall by notification published in the manner prescribed—

(i) divide the village into constituencies and determine the extent of such constituencies ;

(ii) determine the number of Panchas for each constituency ;

(iii) determine the constituencies in which the the seats, if any, reserved under section 9 shall be set apart.

List of voters.

11. (1) The Electoral Roll of the Hyderabad Legislative Assembly prepared under the provisions of the Representation of the People Act, 1950, (XLIII of 1950) and for the time being in force for such part of the constituency of the Assembly as is included in a village shall be deemed to be the list of voters of such village.

(2) The Deputy Collector shall maintain a list of voters for such village.

Right to vote.

12. (1) Except as expressly provided by this Act and rules made thereunder every person whose name is, for the time being, entered in the list of voters of the constituency shall be entitled to vote in that constituency.

(2) No person shall vote at an election under this Act, in more than one constituency, and if he does so, his votes in all constituencies shall be void.

(3) No person shall, at any election, vote in the same constituency more than once, and if he does so, all his votes in that constituency shall be void.

(4) No person shall vote at any election if he is confined in a prison, whether under a sentence of imprisonment or otherwise, or is in the lawful custody of police:

Provided that nothing in this sub-section shall apply to a person subjected to preventive detention under any law for the time being in force.

Election when to be held.

13. (1) The first general election requisite for the purposes of this Act shall be held by the Deputy Collector in the manner prescribed; every subsequent general election shall be held by him in the manner prescribed within three months before the expiry of the term of Office of the Panchas.

(2) A casual vacancy in the Office of a panch shall be filled at a bye-election held by the Deputy Collector :

Provided that no bye-election shall be held to fill a casual vacancy occurring within three months before the expiry of the term of Office of the Panchas.

Notification to call upon constituencies.

14. For the purpose of holding elections under this Act the Deputy Collector shall, by a notification published in the manner prescribed, call upon the constituencies to elect Panchas in accordance with the provisions of this Act and of rules made thereunder, before the date specified in the said notification;

Provided that for the purpose of holding elections under sub-section (1) of section 13 no such notification shall be issued at any time earlier than four months before the expiry of term office of the Panchas as specified in section 25.

Election how to be held.

15. The election, requisite for the purposes of this Act, shall ordinarily be held by secret ballot :

Provided that, if two-thirds of the total number of members of the Gram Sabha resolve to have the election held by show of hands, election shall be held by show of hands in the manner prescribed.

Qualification of candidates.

16. Subject to the provisions of this Act, a person, who is registered in the list of voters of any constituency of the village, shall be qualified to be elected as a panch for any of the Constituencies of that village.

Disqualifications of candidates.

17. A person shall be disqualied for being elected as a Panch if, at the date of election, he—

(a) is one who has been sentenced by a competent Court to imprisonment for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months, or to imprisonment for life, such sentence not having been subsequently reversed or quashed, or to death, such sentence having been subsequently commuted or altered to imprisonment for life or imprisonment for any other period :

Provided that on the expiry of such sentence, the disqualification incurred under this clause shall cease ;

(b) is of unsound mind and stands so declared by a competent court, a deaf-mute or a leper ;

(c) is an undischarged insolvent ;

(d) has been dismissed from the service of the Government, Gram Panchayat, or any local Authority for misconduct and has been declared by a competent authority to be ineligible for further employment in public service ;

(e) holds any office or place of profit under the the Government, any local authority or the Gram Panyat ;

(f) has directly or indirectly any share or interest in any contract or employment with, by or on behalf of the Gram Panchayat.

Explanation.—A person shall not be deemed to have incurred disqualification under clause (f) by reason only of his—

(a) receiving a pension from the Gram Panchayat;

(b) having any share or interest in—

(i) any lease, sale, exchange or purchase of land or any agreement for the same;

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Gram Panchayat is inserted;

(iv) any Joint Stock Company or any society registered or deemed to be registered under the Hyderabad Co-operative Societies Act, 1952, which shall contract with or be employed by the Sarpanch or Karbhari on behalf of the Gram Panchayat;

(v) the occasional sale to the Sarpanch or Karbhari on behalf of the Gram Panchayat of any article in which he regularly trades, of a value not exceeding in the aggregate in any one financial year, five hundred hupees;

(vi) the occasional letting out on hire to the Gram Panchayat or hiring from the Gram Panchayat of any article for an amount not exceeding in the aggregate, in any one financial year, five hundred rupees;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Gram Panchayat.

Disqualifications for continuing as a Panch.

18. (1) A person shall cease to remain a Panch if he—

(a) is or becomes subject to any of the disqualifications specified in section 17;

(b) ceases to reside in the village;

(c) is elected as President of the District Board.

(d) fails to pay arrears of any kind due by him otherwise than in fiduciary capacity to the Gram Panchayat, within three months from the date of service of a bill or notice or if no bill or notice is required to be served under this Act, within three months from the date of service of a notice requiring payment thereof issued by the Sarpanch or Karbhari (which it shall

be their duty to issue and cause to be served at the earliest convenient date);

(e) absents himself at more than three consecutive meetings of the Gram Panchayat, unless leave, so as to absent himself (which shall not exceed three months) has been granted by the Gram Panchayat:

Restoration of Panch to office.

Provided that no meeting from which a Panch absents himself shall be counted against him under this clause, if the notice of that meeting was not given to him.

(2) When a person ceases to be Panch under clause (e) of sub-section (1) the Sarpanch shall at once intimate the fact in writing to such person and report the same to the Gram Panchayat in its next meeting. If such person applies for restoration to the Gram Panchayat on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Gram Panchayat may, at the meeting next after the receipt of such application or **suo moto,** restore him to his office as a Panch:

Provided that a Panch shall not be restored more than twice during his term of office.

Authority to decide questions of disqualification of Panchas.

19. Any question as to whether a Panch by becoming subject to any of the disqualifications under sub-section (1) of section 18 has ceased to be a panch shall be decided by the Munsiff-Magistrate within whose jurisdiction the village is situated. The decision of such Munsiff-Magistrate shall be final.

Prohibition of simultaneous membership.

20. (1) If a person is elected by more than one constituency, he shall by notice in writing signed by him and delivered to the Deputy Collector or any other officer authorised by him in this behalf, with the prescribed time, choose any one of the constituencies which he shall serve, and the choice shall be final.

(2) When any such choice has been made, the constituency or constituencies other than the constituency which such person has chosen to serve, shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice referred to in sub-section (1) the election of such person shall be void and all constituencies concerned shall be called upon to elect another person or persons.

Simultaneous membership in more than one Gram Panchat.

21. (1) No person shall continue as a Panch in more than one Gram Panchayat.

(2) If a person is elected as a Panch in more than one Gram Panchayat, he shall within a week from the date of publication of names under section 23, and if the dates are different from the later date, choose any one of the Gram Panchayats which he shall serve and tender his resignation in other Gram Panchayats.

(3) If such person does not make the choice referred to in sub-section (2) he shall cease to continue as Panch in all the Gram Panchayats.

Produce when no panch is elected.

22. (1) If at a general election or bye-election to a Gram Panchayat no Panch is elected, a fresh election shall be held on such date as the Deputy Collector may fix in this behalf.

(2) The term of office of a Panch elected under this section shall expire at the time at which it would have expired if he had been elected at the general election or bye-election as the case may be.

Publication of names of Panchas.

23. The names of all the Panchas finally elected to a Gram Panchayat shall forthwith be published by the Deputy Collector in the manner prescribed.

Election disputes.

24. (1) No election held under this Act, shall be called in question except through an election petition which shall contain such matters, claim such relief and be presented in such manner as may be prescribed.

(2) An election petition calling in question any election under this Act, may be presented to the Munsiff-Magistrate by any candidate at such election, or any voter in such form and within such time but not earlier than the date of publication of results of the election under section 23 as may be prescribed.

(3) The Munsiff-Magistrate shall deal with such petitions and proceedings in connection therewith, in the prescribed manner. The decision of the Munsiff-Magistrate on such election petitions shall be final and conclusive and shall not be questioned in any Court of law.

Term of Office.

25. (1) Except as otherwise provided for in this Act, the term of office of the Panchas elected at general elections shall be three years commencing from the date

of the first meeting of the Gram Panchayat under sub-section (2) of section 26:

Provided that Government may, by notification in the Official Gazette, for sufficient cause, which shall be stated therein, direct that term of office of the Panchas as a whole be extended by such period or periods not exceeding one year, as may be specified in the notification.

(2) The term of office of the outgoing Panchas shall be deemed to extend to, and expire with, the day before the date of such first meeting.

Election of Sarpanch and Upa-Sarpanch.

26. (1) For every Gram Panchayat one of the Panchas shall be elected to be Sarpanch and one to be Upa-Sarpanch by the Gram Panchayat. The name of the Sarpanch and the Upa-Sarpanch shall be published in the same manner as under section 23.

(2) The first meeting of the Gram Panchayat, to elect a Sarpanch and an Upa-Sarpanch shall be called within one month of the publication of names of Panchas under section 23 by the Tahsildar or an officer not below the rank of Naib Tahsildar authorised by him in this behalf, after giving at least three clear days' notice thereof. Such meeting shall not be held prior to the date of expiry of the term of the outgoing Panchas.

(3) Every Sarpanch or Upa-Sarpanch shall cease to be as such on the expiry of his term of office as a Panch:

Provided that on the expiry of the term of office as Panch the Sarpanch and Upa-Sarpanch shall continue to carry on the current administrative duties of their offices until such time as new Sarpanch or Upa-Sarpanch is elected and takes over charge.

Resignatoin of Panch, Sarpanch or Upa-Sarpanch.

27. (1) A Panch may resign his office by giving a notice in writing to the Sarpanch.

(2) The Sarpanch or Upa-Sarpanch may resign his office by giving notice in writing to the Deputy Collector.

(3) Such resignation shall take effect from the date of their acceptance by the Sarpanch in the case of a Panch and by the Deputy Collector in the case of Sarpanch or Upa-Sarpanch.

(4) The Sarpanch shall, on the acceptance of the resignation, immediately report it to the Deputy Collector.

Motion of No-Confidence.

28. (1) A motion of no-confidence may be moved by any Panch after giving such notice as may be prescribed against the Sarpanch and Upa-Sarpanch.

(2) If the motion against the Sarpanch is carried by a majority of not less than two-thirds of the total number of Panchas or if the motion against the Upa-Sarpanch is carried by a majority of the total number of Panchas, the Sarpanch or the Upa-Sarpanch, as the case may be, shall, within three days of the passing of the motion, resign his office by submitting his resignation to the Gram Panchayat and thereupon his office shall be deemed to be vacant.

(3) If the Sarpanch or the Upa-Sarpanch, as the case may be, against whom the motion of no-confidence has been carried, does not resign his office within the period specified in sub-section (2) he shall be removed from his office by the Collector or the competent officer.

(4) Notwithstanding anything contained in this Act or rules made thereunder, a Sarpanch or an Upa-Sarpanch shall not preside over a meeting in which a motion of no-confidence is discussed against him but he shall have a right to speak and otherwise to take part in the proceedings of the Gram Panchayat.

Vacancy in the Office of Sarpanch or Upa-Sarpanch.

29. The Sarpanch or the Upa-Sarpanch shall vacate his office—

(a) On the expiry of his term of office under sub-section (3) of section 26;

(b) on ceasing to be a Panch for reasons other than the expiry of his term of office as a Panch;

(c) on ceasing to be a Sarpanch or Upa-Sarpanch under section 28.

Filling up of casual vacancies.

30. Any vacancy in the Gram Panchayat, due to death, resignation or removal of Sarpanch, Upa-Sarpanch, or a Panch or to his becoming incapable of acting as such or to his otherwise ceasing to be a Sarpanch, Upa-Sarpanch or Panch previous to the expiry of the term of his office shall be filled up by election of a person thereto.

(2) The person so elected shall hold office so long as the person in whose place he has been elected would have held it if such vacancy had not occurred.

Vacancy or irregularity not to invalidate the proceedings.

31. (1) No act of a Gram Panchayat or Sub-Committee thereof or of any person acting as Sarpanch, Upa-Panch or Panch shall be deemed to be invalid by reason only of some defect in the establishment of such Gram Panchayat or election or appointment of Sarpanch, Upa-Sarpanch or Panch, or on the ground that they or any of them were disqualified for such office, or that formal notice of intention to hold a meeting of the Gram Panchayat was not duly given, or for any other informality.

(2) Anything done or any proceedings taken under this Act shall not be questioned on account of any vacancy in a Gram Panchayat or Sub-Committee thereof.

Meetings of Gram Panchayat.

32. (1) A Gram Panchayat shall meet for the transaction of business at least once in every month at such time and place as the Sarpanch may determine.

(2) The Sarpanch may, whenever he thinks fit, and shall, upon the written request of not less than one-half of the total number of Panchas, call a special meeting.

(3) Seven clear days' notice of an ordinary meeting and three clear days' notice of a special meeting specifying the place, date and time of such meeting and the business to be transacted thereat, shall be given to the Panchas and posted in the office of the Gram Panchayat.

Quorum and procedure.

33. (1) The quorum for a meeting of the Gram Panchayat shall not be less than one-half of the total number of Panchas. If the quorum is not complete at a meeting the presiding authority shall adjourn the meeting to such time on the following day or some future day as he may fix. A notice of the meeting so fixed shall be posted in the office of the Gram Panchayat. The business, which could not be considered at the meeting so postponed for want of quorum, shall be brought before and disposed of, at the meeting so fixed or at any subsequent adjourned meeting irrespective of whether there be a quorum or not.

(2) At every meeting of the Gram Panchayat the Sarpanch or in his absence the Upa-Sarpanch shall preside and in the absence of both, the Panchas present, shall choose one from amongst themselves.

(3) All questions shall be decided by a majority of votes of the Panchas present and voting, the presiding authority having a casting vote in all cases of equality of votes.

Bar of modifying or cancelling the resolution.

34. No resolution of the Gram Panchayat shall be modified within three months after the passing thereof, except by a resolution supported by two-third of the whole number of Panchas.

Minutes.

35. The names of the Panchas present at every meeting of the Gram Panchayat or its Sub-Committee and the proceedings and the decisions taken thereat shall be entered in a Minute Book and confirmed at the next ensuing meeting by the person presiding. The Minute Book shall, at all reasonable times, be opened to inspection by any Panch.

Rights of Individual Panchas.

36. (1) Any Panch may call the attention of the Sarpanch to any neglect in the execution of Gram Panchayat work, to any waste of Gram Panchayat property or to the wants of any locality, and may suggest any improvements which may appear desirable.

(2) Every Panch shall have a right to move resolution and to interpellate the Sarpanch on matters connected with the administration of the Gram Panchayat, subject to such rules as may be prescribed.

CHAPTER III.

Subordinate Agencies and Joint Committees, Officers and Servants.

Sub-Committees.

37. (1) A Gram Panchayat may, from among its Panchas, constitute Sub-Committees for the purpose of exercising such powers, and discharging such duties and performing such functions as may be delegated or assigned to them by the Gram Panchayat, and may appoint any Panch or a Sub-Committee of Panchas to enquire into and report on any matter referred to them. The Gram Panchayat may also regulate the procedure of Sub-Committees constituted by it.

(2) The Gram Panchayat may at any time withdraw the delegation or assignment of powers, duties or functions made under sub-section (1).

(3) The Gram Panchayat may from time to time, by a resolution supported by not less than one-half of its Panchas, co-opt as members of any sub-committee for such term as the Gram Panchayat may specify, any persons who are not Panchas but who may, in the opinion of the Gram Panchayat, posses special qualifications or knowledge for serving on such sub-committees.

(4) Co-opted members shall not have the right to vote and shall be liable to be removed by the Gram Panchayat by a resolution supported by not less than one-half of its Panchas.

Joint Committees.

38. (1) A Gram Panchayat may, with the sanction of the Government, join with any one or more local authorities in appointing a Joint Committee out of their respective bodies for any purpose in which they are jointly interested.

(2) A Gram Panchayat may, from time to time, subject to the sanction of Government, enter into an agreement with any other local authority, for the levy of any tax or taxes jointly instead of separately, and the apportionment of the proceeds of such taxes.

(3) If any difference of opinion arises between the local authorities in respect of any matter arising out of such action, the decision thereupon of the Government or such officer as may be appointed by Government in this behalf, shall be **final:**

Provided that where one of the local authorities is a Cantonment Board, the decision of the Government or of the officer shall be subject to the concurrence of the Central Government.

Functions of Sarpanch.

39. The Sarpanch shall—

(a) preside over and regulate the meetings of the Gram Panchayat;

(b) keep the records and registers of the Gram Panchayat in his custody;

(c) exercise supervision and control over the acts done and action taken by all officers and servants of the Gram Panchayat;

(d) incur contingent expenditure upto five rupees at any one time;

(e) operate on the Panchayat fund including authorisation of payment, issue of cheques and refunds;

(f) issue receipts under his signature for sums of money received on behalf of Gram Panchayat;

(g) be responsible for the safe custody of Gram Panchayat fund;

(h) cause to be prepared all statements and reports required by or under this Act;

(i) exercise such other powers and discharge such other functions as may be conferred or imposed upon him by this Act or rules made thereunder.

Functions of Upa-Sarpanch.

40. The Upa-Sarpanch shall—

(a) in the absence of Sarpanch preside over the meetings of the Gram Panchayat;

(b) exercise such of the powers and perform such of the duties of Sarpanch as the Sarpanch may, from time to time, delegate to him;

(c) pending the election of a Sarpanch or in case the Sarpanch has been continuously absent from the village for more than fifteen days or is incapacitated, exercise the powers and perform the duties of the Sarpanch.

Consequences of absence of Sarpanch or Upa-Sarpanch without leave.

41. (1) Every Sarpanch or Upa-Sarpanch who, for a period exceeding three months, absents himself from the village, in such manner as to be unable to perform his duties as such Sarpanch or Upa-Sarpanch, shall cease to be Sarpanch or Upa-Sarpanch, as the case may be, unless leave so to absent himself has been granted by the Gram Panchayat.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months and whenever leave is granted to a Sarpanch or Upa-Sarpanch thereunder, the Gram Panchayat shall elect one of its Panchas to exercise all the powers and perform all the duties of an Upa-Sarpanch who is exercising the powers and performing the duties of the Sarpanch or, who is absent on leave during the period for which such leave is granted.

Officers and Servants.

42. Subject to such rules as may be made in this behalf, every Gram Panchayat may employ such officers and servants except the Karbhari, and assign to them such pay (not exceeding Rs. 30 per month) and allowances, gratuities, pensions and contributions as may be necessary.

Karbhari.

43. (1) The Collector or the competent officer shall appoint a Karbhari for every Gram Panchayat to perform such duties as are hereinafter specified and such other duties as may be imposed or conferred on him under this Act—

(a) preparation and maintenance of assessment lists;

(b) maintenance of essential statistics;

(c) maintenance of accounts and records;

(d) recovery of Gram Panchayat dues;

(e) execution and supervision of works undertaken by the Gram Panchayat;

(f) preparation and checking of estimates and bills in respect of works;

(g) supervision of sanitation and public health measures;

(h) maintenance of proceedings of the Gram Panchayat and forwarding copies of such proceedings to the prescribed authorities within the prescribed period;

(i) issuing of bills and notices to the defaulters;

(j) taking part in the deliberations of the meetings of the Gram Panchayat without the right to vote or move any motion thereat;

(k) making reports to the authorities concerned regarding crimes and offences within the village;

(l) doing of all other acts in accordance with the decisions of the Gram Panchayat or the Government or any authority authorised by Government regarding the duties entrusted to the Gram Panchayat.

(2) The Karbhari shall be a servant of the Gram Panchayat and his salary shall be paid from the Panchayat fund.

(3) The qualifications, method of recruitment, remuneration and conditions of service of the Karbhari shall be such as may be prescribed.

(4) It shall be lawful for the Collector or the competent officer to transfer a Karbhari from one Gram Panchayat to another Gram Panchayat within the same district.

(5) The Gram Panchayat may, by a resolution passed by a majority of two-thirds of the total number of Panchas recommend to the Collector or to the competent officer for taking such disciplinary action as may be required against the Karbhari in respect of any misconduct or negligence committed by him.

Disqualifications of Officers and Servants.

44. Any Officer or Servant of the Gram Panchayat who acquires by himself or through his partner any share or interest in any contract with, by or on behalf of the Gram Panchayat shall cease to be such officer or servant.

CHAPTER IV.

Duties, Functions and Powers of the Gram Panchayat.

Compulsory Duties.

45. (1) Subject to the general control of the District Board the Gram Panchayat shall, in addition to other duties imposed upon it by this Act, or by any other law for the time being in force, so far as the funds at its disposal may admit, undertake and make reasonable provisions for the following matters in village, namely :—

(i) framing programmes of production for the village ;

(ii) reclamation of waste land and bringing waste land under cultivation ;

(iii) acting as the channel through which Government's assistance reaches the village ;

(iv) securing minimum standards of cultivation in the village with a view to increasing production ;

(v) making arrangements for co-operative management of lands and other resources in the village and organisation of collective farming, credit societies and multi-purpose co-operative societies ;

(vi) assisting in the implementation of Land Reform measures in the village ;

(vii) establishment and maintenance of warehouses and common granaries ;

(viii) construction, repair and maintenance of public wells, ponds and tanks and regulating sources of supply of water including piped water supply, where possible, for drinking, washing and bathing purposes except those under the control of Government or other local authority ;

(ix) construction and maintenance of village roads, cart-tracks, footpaths, culverts, bridges and buildings except those under the control of the Government or other local authority ;

(x) construction of drains and disposal of drainage water and sullage ;

(xi) cleansing and maintenance of street drains, pools, tanks and wells (other than tanks and wells used for irrigation) ;

(xii) regulating the construction of latrines, urinals, water-closets, drains, etc. ;

(xiii) regulation of buildings, shops, shows, eating and other entertainment houses ;

(xiv) sanitation, conservancy and prevention and abatement of nuisance ;

(xv) preservation and improvement of public health, particularly the prevention and control of epidemics ;

(xvi) regulating, checking and abating of offensive or dangerous trades or practices ;

(xvii) maintenance and regulation of the use of public buildings, pastures vested in the Gram Panchayat ;

(xviii) removal of rubbish heaps, jungle growth, prickly pear, filling in of disused wells, insanitary ponds, pools, ditches, pits or hollows, prevention of water logging in irrigated areas, and other improvements of sanitary conditions ;

(xix) removal of encroachments on public streets, public places and property vested in the Gram Panchayat ;

(xx) opening, maintenance and regulation of cremation and burial grounds, and disposal of unclaimed carcasses of animals and setting apart of places outside the village site for the skinning and cutting up of carcasses ;

(xxi) establishment, management and maintenance of cattle pounds ;

(xxii) lighting of public roads, lanes and public places ;

(xxiii) extension of village sites ;

(xxiv) control of cattle stands, threshing floors, grazing grounds and other community waste lands;

(xxv) excavation, cleansing and maintenance of ponds for the supply of water to animals ;

(xxvi) improvement of cattle including purchase and maintenance of studbulls and providing veterinary relief ;

(xxvii) establishment, maintenance and regulation of fairs, jatras, festivals and markets ;

(xxviii) ensuring conservation of manural resources, preparing compost and sale of manure ;

(xxix) rendering assistance in extinguishing fire and protecting life and property when fire occurs ;

(xxx) maintenance of such records relating to cattle census, population census and other statistics as may be prescribed ;

(xxxi) maternity and child welfare ;

(xxxii) organising voluntary labour for community works and works for the uplift of the village ;

(xxxiii) organising a village volunteer force for watch and ward, for assisting the Gram Panchayat or Nyaya Panchayat in the discharge of their functions and for the services of summons and notices issued ;

(2) No suit for damages or for specific performance shall be maintainable against any Gram Panchayat, Sarpanch, Upa-Sarpanch, Karbhari or any other officer, or servant thereof on the grounds that any of the duties specified in sub-section (1) has not been performed.

Discretionary function.

46. Subject to the general control of the District Board, the Gram Panchayat may, in addition to other duties imposed upon it by this Act, or any other law for the time being in force, at its discretion, undertake and make provisions for the following matters in the village namely :—

(i) providing facilities for travellers, construction and maintenance of Dharmashalas and Sarais ;

(ii) relief to the crippled, destitutes and the sick etc. :

(iii) planting and preservation of groves and trees on the sides of roads and other public places ;

(iv) promotion and development of education, cottage industries and trade ;

(v) arranging for the cultivation of fallow lands and lands not cultivated or managed by the owners ;

(vi) assisting and advising agriculturists in the obtaining of Government loans and in the repayment thereof, in the liquidation of old debts and generally in the establishment of sound credit system according to law ;

(vii) establishment and maintenance of nursaries and improved seeds and implement stores and production and use of improved seeds ;

(viii) relief against famine or other calamity ;

(ix) providing medical relief ;

(x) establishment and maintenance of akhadas, clubs and other places for recreation ;

(xi) establishment and maintenance of theatres for promotion of art and culture ;

(xii) laying down and maintenance of parks and playgrounds ;

(xiii) establishment and maintenance of libraries and reading rooms ;

(xiv) provision, maintenance and control of slaughter-houses ;

(xv) regulating sale and preservation of meat in meat-stalls or by vendors ;

(xvi) construction and maintenance of public latrines ;

(xvii) registration of births and deaths subject to the Hyderabad Births and Deaths Regulation of 1359 Fasli ;

(xviii) setting up organisations to promote goodwill and social harmony between different communities, removal of untouchability, eradication of corruption and discouraging gambling and litigation ;

(xix) reporting to the proper authorities, village complaints which are not removable by the Gram Panchayat ;

(xx) destruction of stray and ownerless dogs ;

(xxi) preparation of statistics of unemployment ;

(xxii) developing additional employment opportunities in the village ;

(xxiii) construction and maintenance of houses for conservancy staff ;

(xxiv) other measures of public utility calculated to promote the safety, health, comfort, and the moral, social and material well-being or convenience of the residents of the village.

Transfer of functions to Gram Panchayats in respect of Irrigation Works.

47. The Government may, subject to such limitations and conditions as may be prescribed, transfer to the Gram Panchayat the construction, protection and maintenance of any village irrigation work, the expenditure of the annual Government provision for special urgent repairs or the regulation of the distribution of water from any such work to the fields depending on it.

Transfer of powers and functions of any District Board to Gram Panchayats and vice versa.

48. The Government may, in consultation with the District Board or Gram Panchayat, as the case may be, by notification and subject to such restrictions and conditions and to such control and revision as may be specified therein, direct that—

(i) any power or function vested in a District Board by or under the Hyderabad District Boards Act, 1955, (I of 1956), shall be transferred to and be exercised or performed by Gram Panchayat within the area under its jurisdiction, or,

(ii) any power or function vested in a Gram Panchayat by or under this Act, shall be transferred to and be exercised or performed by any District Board within the area under its jurisdiction, or

(iii) any power or function vested in a District Board under the Hyderabad District Boards Act, 1955, (I of 1956), as well as in a Gram Panchayat under this Act, may be exercised or performed exclusively either by the District Board or by the Gram Panchayat within the area under its jurisdiction.

Assignment of functions.

49. (1) Subject to any law for the time being in force, the Government may, by notification and subject to conditions specified therein—

(a) transfer to any Gram Panchayat the management and maintenance of a forest adjacent to the village; should such transfer be made, the Government shall direct that any expenses of such management or maintenance or a portion of income of such forest be given to the Gram Panchayat for the work undertaken;

(b) make over to the Gram Panchayat the management of waste lands, pasture lands, village sites, situate within the village;

(c) entrust the Gram Panchayat with the collection of land revenue on behalf of the Government;

(d) entrust the Gram Panchayat with the work of maintenance of land records. On issue of such notification the Patwari of the village shall report change of possession to the Gram Panchayat in addition to sending notice of such registration to the concerned parties;

(e) entrust the Gram Panchayat with the arrangement of cultivation of :—

(i) common-lands,

(ii) lands, the management of which is assumed by Government,

(iii) lands, which the owners are unable to cultivate;

(f) authorise any Gram Panchayat to exercise any functions or perform any duties other than those specified in this Act.

(2) The Gram Panchayat shall, subject to the prescribed conditions, have the power to do all acts necessary and incidental to the carrying out of the functions transferred, made over or entrusted to it under this Act.

Power of Gram Panchayat as to roads, bridges and water-ways.

50. The Gram Panchayat shall have control of all village roads and bridges thereon, cart-tracks, drains, tanks, wells and other public places in the village, not being private property, and not being under the control or management of any local authority or Government or specially excepted by any order of the Government or the local authority, and may do all things necessary for the maintenance and repair thereof and may—

(a) lay-out and make new roads;

(b) construct any bridge or culvert;

(c) widen, open, enlarge, or otherwise improve any road, bridge or culvert;

(d) divert, discontinue or close any road, bridge or culvert; and

(e) deepen or otherwise improve water-ways.

Power to name streets and number buildings.

51. The Gram Panchayat may, in the manner prescribed, cause a name to be given to any street and may also cause a number to be affixed to any building and in like manner may, from time to time, cause such name and numbers to be altered.

Control of the erection of buildings.

52. (1) No person shall erect or re-erect or commence to erect or re-erect any building without permission of the Gram Panchayat.

(2) Permission shall be presumed to have been granted if the Gram Panchayat fails to communicate the sanction or refusal in respect thereof within two months from the date of receipt of the application for permission. In case of refusal the Gram Panchayat shall give reasons for the same.

(3) Whenever any building is erected or re-erected without such permission or in any manner contrary to

the provisions of sub-section (1) or to any conditions imposed by the Gram Panchayat, the Gram Panchayat may—

(a) direct that the building, alteration or addition be stopped, or

(b) by written notice require such building, alteration or addition to be altered or demolished as it may deem necessary, or

(c) withdraw the permission.

(4) If the requirement under clause (b) of sub-section (3) is not complied with, within the time fixed in the notice, the Gram Panchayat may have the required act done by its officers and servants at the expense of such person and recover the cost of required act from such person as arrears of tax under this Act.

(5) Nothing contained in this section shall apply to any building which is used or required for public service or for any public purpose and is the property of the Government or the District Board or is to be erected or re-erected by the Government or District Board :

Provided that reasonable notice of the proposed construction shall be caused to be given to the Gram Panchayat and the objections or suggestions of the Gram Panchayat, if any, shall be considered.

Prohibition of encroachments upon streets, etc.

53. (1) No person shall, without the written permission of the Gram Panchayat—

(a) build, erect or place any immovable or movable encroachment on any street or over or on any sewer, drain or water course, or build or make any immovable or movable overhanging structure projecting into a street.

(b) take up or alter the pavement or other material or the fences or parts of any street ;

(c) deposit building material, goods for sale, or any articles of merchandise on any street ;

(d) make any hole or excavation on, in or under any street, or remove material from beneath any street, so as to cause risk of subsidence.

(2) The Gram Panchayat may, after giving sufficient opportunity to offer objections, if any, and the decision thereof by notice, require any person to remove any such encroachment or overhanging structure, if any, made by him, or any such material, goods and articles or mer-

chandise deposited by him, and where necessary to restore the street, sewer, drain or water-course to the condition it was before the encroachment.

(3) If the requirement is not complied with, within the time fixed in the notice, the Gram Panchayat may have the required act done by its officers and servants at the expense of such person and recover the cost of required act from such person as arrears of tax under this Act.

Removal of structures, trees, etc., which are in ruins or likely to fall.

54. (1) If it appears at any time to the Gram Panchayat that any building or any part thereof or any tree or branch of a tree is in a ruinous condition or likely to fall, or is in any way dangerous to any person occupying, resorting to or passing by such building or its part, or tree, the Gram Panchayat may, by written notice, require the owner or occupier of such building or tree as the case may be—

(i) to pull down, lop or cut down, or

(ii) to secure, or

(iii) to remove, or

(iv) to repair such building or part of it and to prevent all causes of danger therefrom.

(2) If it appears to the Gram Panchayat that the danger from a building or tree which is ruinous or about to fall is imminent, it may, before the period of notice expires, fence off, pull down, lop or cut down, secure or repair the said building or tree or take such steps as may be required to arrest the danger.

(3) Any expenses incurred by the Gram Panchayat in this behalf shall be paid by the owner or occupier of the building or trees, as the case may be.

(4) The Gram Panchayat shall issue a notice under sub-section (1), after giving the owner or occupier as the case may be, a reasonable opportunity of stating any objection and adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

Licenses.

55. (1) No place within the limits of a Gram Panchayat shall be used for the purposes specified hereunder except under a license from the Gram Panchayat:—

(a) boiling paddy or camphor;

(b) storing or otherwise dealing with manure, offal, blood, bones, hides, fish, horns or skins;

(c) burning bricks, tiles, pottery or lime;

(d) manufacturing artificial manure or bidis;

(e) manufacturing gun powder or fire-works;

(f) keeping a hotel, restaurant, eating house, coffee house or lodging house (other than students hostel, or Dharamsala);

(g) keeping a hair dressing saloon;

(h) keeping twenty or more sheep and|or goats or ten or more pigs;

(i) preparing flour or articles made of flour for human consumption or sweetmeats;

(j) manufacturing ice or aerated water;

(k) selling or storing timber;

(l) thatching materials, hay, grass, straw, coal or charcoal;

(m) selling wholesale or retail or storing for wholesale or retail trade or for purposes other than private or domestic use, grain, groundnut, tamarind, chillies, jaggery, pulses, flour, bran, oilcakes or agricultural produce which is likely to attract rats;

(n) manufacturing jaggery, sugar candy or syrup;

(o) storing any explosive or combustible materials;

(p) selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn;

(q) manufacturing anything from which offensive or unwholesome smell arises;

(r) any trade or operation which, in the opinion of the Gram Panchayat, is dangerous to life, health or property or likely to create a nuisance either from its nature or by reason of the manner in which or the conditions under which the same is or is proposed to be carried on.

(2) The application for obtaining a license shall be given on the prescribed form.

(3) In case of refusal of a license the Gram Panchayat shall give reason for the same.

Licenses and written permission to specify conditions, etc., on which they are granted.

56. (1) Whenever it is provided in this Act that a license or a written permission may be given for any purpose, such license or written permission shall specify the period for which, and the restrictions and conditions subject to which, the same is granted, and shall be given under the signature of the Sarpanch.

Fees to be chargeable.

(2) For every such license or written permission a fee may be charged at such rate as shall from time to time be fixed by the Gram Panchayat.

Licenses and written permission may be revoked, etc.

(3) Any license or written permission granted under this Act may at any time be suspended or revoked by the Gram Panchayat, if any of its restrictions or conditions are infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any rules made thereunder in any matter to which such license or permission relates :

Provided that reasonable opportunity is given to the person concerned to explain his conduct.

Power to order the discontinuance of the use of premises for unlicensed trades.

(4) (a) if any premises are used without obtaining license for any of the purposes specified in section 55 or having obtained a license, is being used in contravention of the terms of such license or is continued to be used after license thereof has been suspended or revoked by the Gram Panchayat, the Gram Panchayat may at any time by written notice require that the same shall be discontinued by the person so using it.

(b) If within the period specified in such written notice, the requisitions contained therein are not carried out by the person or owner, as the case may be, any officer authorised by the Gram Panchayat in this behalf may enter the premises and cause the usage as such thereof to be discontinued.

(c) No claim shall lie against any person for any damage or inconvenience necessarily caused by the exercise of powers under this section or for the use of any force necessary for the purpose of effecting an entrance under this section.

(5) Every person to whom any such license or written permission has been granted shall, at all reasonable times, while such written permission or license remains in force, if so required by the Gram Panchayat produce such license or written permission.

(6) The acceptance by or on behalf of the Gram Panchayat of the fee for a license or permission shall not, by itself, entitle the person paying the fee to the license or permission.

Control of dairies

57. No place within the jurisdiction of a Gram Panchayat shall be used as a dairy without a license from the Gram Panchayat.

Power as to sanitation and conservancy.

58. (1) If it appears necessary to improve the sanitary conditions of any area within its jurisdiction, a Gram Panchayat may, by a written notice, require the owner or occupier within a reasonable period, to be specified therein—

(a) to remove a hut or privy either wholly or in part;

Explanation.—'Hut' means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made, which the Gram Panchayat declare to be a hut for the purposes of this clause.

(b) to construct in a building private drains therefor or to alter, or to remove any private drains thereof;

(c) to cause any land or building to be cleased to the satisfaction of the Gram Panchayat.

(d) where any land or building contains a well, pool litch, pit, pond, tank, or any drain, filth or stagnant water which is injurious to health or offensive to the neighbourhood or is otherwise a source of nuisance, to cause the same to be filled up, cleansed or deepened or to cause the water to be removed therefrom or drained off or to take such other action as may be deemed necessary by the Gram Panchayat;

(e) to cause any land overgrown with vegetation, undergrowth, prickly-pear, or jungle which is in any manner injurious to health or dangerous to the public or offensive to the neighbourhood or an impediment to efficient ventilation, to be cleared off the vegetation, undergrowth prickly-pear or jungle;

(f) to convert any step-well into a draw well;

Provided that the Gram Panchayat shall hear and decide objections, if any, raised by the person on whom a notice has been so served.

(2) If any work required under sub-section (1) is not executed within the period specified in the notice, the

Gram Panchayat may itself cause such work to be carried out, and may recover the cost of such work or part thereof from the owner or occupier referred to in sub-section (1) as if it were a tax under this Act.

Power to provide for proper water supply.

59. (1) The Gram Panchayat may provide or arrange for the provision of water supply including protected piped water supply for public and domestic use in the village and may for the said purpose—

(a) construct, repair and maintain tanks or wells, convert step wells into draw-wells and cleanse streams or water course ;

(b) purchase or acquire by lease or gift, any tank, well, stream or water course, or any right to take or convey water within or without the area under its control ;

(c) with the consent of the owner thereof utilise, cleanse or repair any tank, well, stream or water course or provide facilities for obtaining water therefrom ;

(d) contract with any person for supply of water; or

(e) do any other act necessary for carrying out the purposes of this section.

(2) Notwithstanding anything contained in sub-section (1) the Government may make water supply arrangement out of Government funds to supply protected piped water supply for domestic use in a village.

(3) The Government may, at any time, entrust the management of the water supply arrangement made under sub-section (2) to a Gram Panchayat.

Power to prohibit bathing, etc.

60. The Gram Panchayat may, by order published at such places as it may think fit—

(a) prohibit all bathing, washing of clothes and animals or other acts calculated to pollute the water of any tank, well, stream or water course set apart for drinking or domestic purposes under sub-section (1) of section 59 ; and

(b) prohibit during epidemics the use of any source of water supply for drinking or domestic purposes or for the washing of clothes.

Power of entry.

61. (1) The Sarpanch, and if authorised in writing in this behalf by the Gram Panchayat, the Upa-Sarpanch, Panch or any officer or servant of a Gram Panchayat may

enter into or upon any building or land, with or without assistants or workmen, in order to make any inspection or execute any work for any of the purposes of this act:

Provided that:—

(a) except when under this Act or rules made thereunder otherwise required, no such entry shall be made between sunset and sunrise;

(b) unless the entry be with the consent of its occupier, no dwelling house shall be entered into without giving reasonable previous notice signed by the Sarpanch or by a person duly authorised in this behalf of the intention to make such entry.

(2) Due regard shall be had in making entry into or upon any building or land and during the period of such entry, to the social and religious usages of the occupants of the premises entered.

Acquisition of land.

62. When any land is required, within or without the area subject to the jurisdiction of the Gram Panchayat for the purposes of this Act, the Government may, on the request of the Gram Panchayat, proceed to acquire it under the provisions of the Hyderabad Land Acquisition Act 1309 F. (IX of 1309 Fasli).

Such an acquisition shall be deemed to be an acquisition for a public purpose within the meaning of the said Act.

Auctions.

63. The Gram Panchayat shall have power to hold auctions and enter into contracts pertaining to such auctions:

Provided that when the period of such contracts exceeds one year but does not exceed three years, the sanction of the District Board and when it exceeds three years, the sanction of the Government shall be obtained.

Power to regulate slaughter of animals.

64. (1) Gram Panchayat may fix places or premises—

(a) for keeping animals of any specified description which are to be sold for purposes of slaughter;

(b) for the slaughter of such animals; and

(c) for the sale of meat of such animals and may grant and withdraw licenses for the use of such places or permises.

(2) A Gram Panchayat may prohibit the slaughter of animals for sale of meat at any place within the vil-

lage other than a slaughter house maintained by the Gram Panchayat or the District Board.

Management of public institutions.

65. (1) The management, control and administration of every public institution maintained out of the Gram Panchayat fund shall vest in the Gram Panchayat.

(2) When any public institution has been placed under the direction, management and control of the Gram Panchayat, all property, endowments and funds belonging thereto, shall be held by the Gram Panchayat in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed :

Provided that the extent of the independent authority of the Gram Panchayat in respect of any such institution may be prescribed.

Village Plan.

66. (1) Subject to such rules as may be prescribed and in consultation with the Gram Panchayat concerned, there may be prepared for the area within the limits of the village, a village plan and the Government may by notification sanction such village plan.

(2) No person shall erect or re-erect any building except in accordance with the village plan sanctioned under sub-section (1).

CHAPTER V.

Prevention of Crimes and maintenance of law and order.

Assignment of powers for maintenance of law and order and prevention of crime.

67. Subject to any law for the time being in force the Government may, by notification and subject to conditions specified therein, empower a Gram Panchayat to take measures for maintenance of law and order and prevention of crimes in the village and to appoint a kotwal and one or more of his asistants as chowkidars therefor.

(2) The remuneration of the kotwal and his assistants and all matters relating to their recruitment, conditions of service, powers and duties shall be determined in accordance with the rules prescribed.

(3) The cost of maintenance of kotwal and chowkidars or any part thereof may be contributed by the Government to the Gram Panchayat Fund.

Powers and duties of Kotwal.

68. (1) The kotwal shall exercise the following powers and perform the following duties :—

(i) he shall give immediate information to the officer-in-charge of the police station having juris-

diction over the village and to the Sarpanch, of every unnatural, suspicious or sudden death which may occur, and of any offence specified in Schedule 'A' which may be committed within the jurisdiction of the Gram Panchayat and he shall keep the officer-in-charge of the said police station and the Sarpanch informed of all disputes which are likely to lead to a riot or serious affray;

(ii) he may, without an order from a Magistrate and without a warrant, arrest—

(a) any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information received, or a reasonable suspicion exists of his having been so concerned;

(b) any person who has been proclaimed as an offender under any law;

(c) any person in whose possession anything is found which may reasonably be suspected to be stolen property, or who may reasonably be suspected of having committed an offence, with reference to such thing;

(d) any person who obstructs a public servant while in the execution of his duty or who has escaped, or attempts to escape, from lawful custody;

e) any person reasonably suspected of being a deserter from the Indian Army, Navy or Air Force; and

(f) any released convict committing a breach of any rule made under sub-section (3) of section 565 of the Code of Criminal Procedure, 1898 (V of 1898);

(iii) he shall to the best of his ability prevent and may interpose for the purpose of preventing, the commission of any offence specified in Schedule 'A';

(iv) he shall assist private persons in making such arrests as they may lawfully make, and shall report such arrests without delay to the officer-in-charge of the police station having jurisdiction over the village;

(v) he shall observe, and from time to time report to such officer-in-charge, the movements of all bad characters within the jurisdiction of the village;

(vi) he shall report to such officer-in-charge the arrival of suspicious characters in the neighbourhood;

(vii) he shall supply any local information which any Magistrate or police officer may require :

(viii) he shall obey the orders of the Gram Panchayat in regard to keeping watch within its jurisdiction and in regard to other matters connected with his duties ;

(ix) he shall give immediate information to the Gram Panchayat of the commission of any offence under this Act or any rule made thereunder which has come to his knowledge or of any damage to any property vested in the Gram Panchayat or under its control ;

(x) he shall assist any person duly authorised by the Gram Panchayat to collect any tax, toll or fee ;

(xi) he shall serve such processes as may be prescribed upon persons residing within the village ; and

(xii) he shall carry out such other duties as may be entrusted to him from time to time in accordance with this Act or any rule made thereunder.

(2) Every chowkidar shall be subordinate to the kotwal and carry out such of the duties as may be assigned to him by the kotwal.

Arrested person to be taken to police station.

69. Whenever a kotwal arrests any person under section 68 he shall forthwith take the person so arrested to the police station having jurisdiction over the village :

Provided that if the arrest is made at night such person shall be kept in the village chaudi and be so taken, as soon as convenient, on the following morning.

CHAPTER VI.

The Gram Panchayat Fund.

Gram Panchayat Fund.

70. Subject to such rules as may be prescribed there shall be formed for every Gram Panchayat a 'Gram Panchayat Fund' and there shall be placed to the credit thereof :—

(a) the accumulated balances of the Gram Panchayat Fund at the commencement of this Act ;

(b) all sums of taxes, tolls, fees, authorised to be levied under this Act ;

(c) all interests and profits arising from any investment of or from any transaction in connection with money belonging to the Gram Panchayat ;

(d) all fees and fines payable and levied under this Act or under any rule made thereunder;

(e) all moneys received by way of compensation or for compounding offences under the provisions of this Act;

(f) grants and assignments of revenue and contributions made by the Government and local authorities and donations, gifts or deposits of private individuals or any institutions and loans raised by the Gram Panchayat;

(g) all sums received on account of fines and unclaimed sale proceeds under the provisions of the Hyderabad Cattle Trespass Act, 1337 Fasli. (V of 1337 F.).

(h) all sums received by or on behalf of the Gram Panchayat under this Act or otherwise.

Grants from District Board and Government.

71. (1) Notwithstanding anything contained in the provisions of the Hyderabad District Boards Act, 1955, (I of 1956), every Gram Panchayat shall receive an amount equal to 50% of the local cess collected in the village under section 135 of the said Act.

(2) Every Gram Panchayat shall receive the amount equal to 15% of the land revenue of the village as a grant from the Government.

Custody and investment of Gram Panchayat Fund.

72. (1) The Gram Panchayat fund shall be vested in the Gram Panchayat and shall be kept in Government treasury or Postal Savings Bank or any other Bank approved by the Government.

(2) A Gram Panchayat may from time to time with the approval of the Government invest any portion of its fund in securities of the Government of Hyderabad or in such other securities including fixed deposits in Bank as the Government may approve in this behalf, and may vary such investments for others of a like nature, and the income accruing from the securities and the proceeds of the sale of the securities shall be credited to the Gram Panchayat Fund.

Administration of and expenditure from Gram Panchayat Fund.

73. (1) The Gram Panchayat Fund shall be administered by the Gram Panchayat and the expenses incurred by the Gram Panchayat in carrying out the purposes of this Act or rules made thereunder shall be paid out of the Gram Panchayat Fund.

(2) The Gram Panchayat may, with the previous sanction of the District Board—

(a) sanction contributions to schools, hospitals, dispensaries, public libraries, and educational and charitable institutions established for the purpse of public benefit;

(b) pay compensation to any person sustaining any damage by reason of exercise of any power vested in the Gram Panchayat, its Panchas, officers and servants under this Act;

(c) meet expenses of any public reception, ceremony or entertainment.

Power to borrow.

74. With the sanction of Government and subject to such conditions as may be prescribed, a Gram Panchayat may borrow money for carrying out any of the purposes of this Act.

Budget.

Preparation of budget.

75. Subject to such rules as may be prescribed, every Gram Panchayat shall prepare a budget estimate of income and expenditure including balances for the ensuing financial year and shall forward it to the District Board on or before the date prescribed. The estimate so prepared shall provide for a minimum amount standing to the credit of the Gram Panchayat at the end of the year equivalent to the amount required for the payment of salaries of the officers and servants of the Gram Panchayat and for defraying the expenses of contingencies for at least six months.

Scrutiny of budget.

76. (1) Every such budget shall be scrutinized and sanctioned by the District Board with such modifications, if any, as it deems fit:

Provided that the budget shall be presumed to have been sanctioned if it is not returned by the District Board within three months of the receipt thereof by it.

(2) No expenditure which is not provided for in the budget shall be incurred without the previous sanction of the District Board.

Accounts.

77. Every Gram Panchayat shall maintain accounts of all the receipts and expenditure of every year in the manner prescribed; all such accounts and the report of the administration of the preceding year shall be submitted by the Karbhari to the Gram Panchayat for sanction and all such accounts shall be examined and audited in such manner as may be prescribed.

Statement, report and programme to be placed before Gram Sabha.

78. (1) Every Gram Panchayat shall place before the Gram Sabha, the statement of accounts together with a report on the administration for the preceding financial year and the programme of the works prepared for the year, as required under section 6. A copy of such state-

ment of accounts, report and programme shall be kept for inspection in the office of the Gram Panchayat.

(2) Within a week after such meeting any suggestions in writing about the future programme may be made to the Gram Panchayat for consideration.

Abstract of accounts.

79. An abstract of every annual accounts of Gram Panchayat with such information and in such form as may be prescribed along with the administration report of the preceding financial year, shall be forwarded by the Gram Panchayat to the District Board not later than the end of the first month of the current financial year. The District Board shall draw up a combined statement and report for all the Gram Panchayats under its jurisdiction in such manner as may be prescribed, and forward it to the Government.

CHAPTER VII.

Taxation.

Power of taxation.

80. (1) Subject to such rules as may be prescribed in this behalf, a Gram Panchayat shall within one year from the date of its establishment impose—

(a) property tax;

(b) tax on professions, trades and callings;

(c) vehicle tax;

(d) tax on transfer of immovable property:

Provided that if the Gram Panchayat fails to impose any of the above taxes, Government may take necessary steps to impose the tax and tax so imposed shall be deemed to have been imposed by the Gram Panchayat.

(2) Subject to rules made under this Act a Gram Panchayat may impose—

(a) piligrim tax;

(b) general water tax;

(c) entertainment tax;

(d) animal tax;

(e) toll;

(f) fees for the supply of water through private pipe connection;

(g) fees for the occupation of markets and market sites;

(h) fees for the occupation of chaudies, sarais and other similar buildings under the control of the Gram Panchayat;

(i) fees for the use of cattle-stands, threshing floors, cart-stands, slaughter houses, village sites and other community lands, public places or parts thereof ;

(j) fees for the registration of animals sold in the markets other than the agricultural markets ;

(k) fees for the cleansing of private latrine ;

(l) fees for fishing in ponds and sale of entire fish crop ;

(m) fees for temporary erection on, or putting up projection over ; or temporary occupation of, any public street or place ;

(n) fees for grazing of cattles in grazing lands vesting in a Gram Panchayat.

(3) The taxes and fees specified in sub-sections (1) and (2) shall be assessed, levied and collected in accordance with the provisions of this Act and the rules made thereunder.

Property tax.

81. (1) The property-tax shall be leviable on all buildings and non-agricultural lands in the village except—

(a) buildings and lands vesting in the Union Government, District Board or the Gram Panchayat ;

(b) buildings and lands vesting in the State Government and used solely for public purposes and not used or intended to be used for purposes of profit ;

(c) buildings and lands solely occupied and used for public worship or for charitable or educational purposes ;

(d) buildings and lands solely used for purposes connected with the disposal of the dead.

(2) The following buildings and lands or portions thereof shall not be deemed to be solely occupied and used for public worship or for charitable or educational purposes within the meaning of clause (c) of sub-section (1), namely :—

(a) buildings or lands or portions thereof in which any trade or business is carried on ; and,

(b) buildings or lands or portions thereof in respect of which rent is derived, whether such rent is or is not applied solely to religious, charitable or educational purposes.

Tax on professions, trades and callings.

82. Subject to rules made under this Act, every company which transacts business in the village for not less than sixty days in the aggregate in any half year, and every person who in any half year—

(a) carries on a profession, trade or calling or transacts business—

(i) within the village for not less than sixty days in aggregate, or

(ii) without the village but resides in the village for not less than sixty days in the aggregaate, or

(b) resides in such village for not less than sixty days in aggregate and is in receipt of income from investment, shall pay the tax assessed in accordance with the rules.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax:

Provided that this tax shall not be levied on agricultural income:

Provided further that no person whose aggregate annual income does not exceed one hundred and twenty rupees shall be liable to pay the profession tax.

Vehicle tax.

83. (1) Subject to rules made under this Act, the vehicle tax shall be leviable on all vehicles kept or used within the village.

(2) The following vehicles shall be exempted from this tax:—

(a) vehicles belonging to the Gram Panchayat;

(b) vehicles belonging to the Government or the District Board used or intended to be used for public purposes and not used or intended to be used for purposes of profit;

(c) carts belonging to agriculturists and used solely for agricultural purposes.

Tax on Transfer of immovable property.

84. The tax on transfer of immovable property shall be levied on every transfer either by sale, gift or mortgage of immovable property at such rates and in such manner as may be prescribed.

Toll.

85. (1) Subject to such rules as may be prescribed a toll shall be levied on—

(a) every vehicle, and

(b) every animal used for driving, draught, or burden which enters the limits of the village :

Provided that the toll shall not be leviable on any such vehicle or animal more than once on any one date.

(2) The following vehicles or animals shall be exempted from the levy of the toll :—

(a) those belonging to the Gram Panchayat ;

(b) those belonging to the Government, or District Board but not used or intended to be used for the purposes of profit ;

(c) those belonging to agriculturists and kept within the village and used for their own agricultural work ;

(d) animals drawing a vehicle on which the toll is levied ;

(e) those for which vehicle or animal tax under section 80 has been paid ;

(f) those exempted by the Government by a general or special order.

(3) Any owner of a Vehicle or animal may commute payments of the toll at such rates and in such manner as may be prescribed.

Levy and collection two annas cess on every rupee of land.

86. A Gram Panchayat shall, on a resolution passed in a meeting of the Gram Sabha, apply to the Government to levy and collect for a specific period a cess at the rate of two annas on every rupee of every sum payable to the Government as ordinary land revenue and thereupon the Government may in addition to any cess leviable under section 135 of the Hyderabad District Boards Act, 1955 (I of 1956), levy and collect such cess in the area within the jurisdiction of such Gram Panchayat and the provisions of section 136 of the Hyderabad District Boards Act, 1955 shall apply thereto with the modification that for the word 'Board' wherever it occures the words 'Gram Panchayat' shall be deemed to have been substituted as they apply to the levy of a local cess leviable under section 135 of the Hyderabad District Boards Act, 1955 (I of 1956) :

Provided that the resolution of the Gram Sabha recommending the levy and collection of the said cess shall be supported by not less than two thirds of the total number of members of the Gram Sabha.

Impressment of labour.

87. (1) Subject to rules made under this Act, a Gram Panchayat may, by order in writing, call upon adult males residing in the village to perform such labour, as it may specify in the order, on works of public utility which, in the opinion of the Gram Panchayat are likely to benefit such persons and which the Gram Panchayat has undertaken to construct, maintain or repair under section 45 or 46:

Provided that no such order shall be issued by the Gram Panchayat without the approval of Gram Sabha.

(2) A person required to perform labour under the provisions of sub-section (1) may have it performed by another on his behalf or pay for its performance at such rates as may be determined by the Gram Panchayat.

(3) Any person who, without sufficient cause, neglects or refuses to perform the labour referred to in sub-section (1) or does not get the labour performed or does not pay for the performance of the Labour, as provided in sub-section (2) shall be punishable with a fine which may extend to fifty rupees.

Procedure in imposing taxes.

88. (1) No tax or fee shall be imposed or levied under section 80 unless the Gram Panchayat, at a special meeting convened for this purpose, passed a resolution proposing the imposition of such tax or fee:

Provided that in the case of tax leviable under clause (a) of sub-section (2) of section 80 no such resolution shall be valid unless passed by a majority of two-thirds of the total number of panchas.

(2) When such a resolution has been passed, the Gram Panchayat shall publish, in the manner prescribed, a notice defining the class of persons or the property to be taxed, the amount or rate of the tax or fee to be imposed.

(3) Any resident of the village objecting to the proposed tax, may, within 30 days from the publication of the notice, submit his objection in writing to the Gram Panchayat.

(4) The Gram Panchayat shall consider all such objections at a special meeting and may modify the proposals so as not to affect their substance, and then forward them to the District Board.

(5) The District Board may sanction or refuse to sanction such proposals or sanction them subject to such modifications as it may deem fit, or return them to the Gram Panchayat for reconsideration.

(6) If any proposals of taxation have been sanctioned the District Board may, by notification, direct the imposition of the tax or fee as sanctioned from such date and at such rate as may be specified in the notification and thereupon the tax or fee shall come into effect as from the date so specified.

(7) A notification of imposition of a tax or fee under this section shall be conclusive evidence of the fact that the tax or fee has been imposed in accordance with the provisions of this Act.

Procedure for abolishing or varying taxes.

89. A Gram Panchayat may, by a resolution passed at a special meeting and with the previous sanction of the District Board, abolish or vary the rate of any tax or fee already imposed :

Provided that such proposal has been dealt with according to the procedure laid down in section 88 for the imposition of a new tax or fee.

Procedure of suspending or exempting from taxes.

90. A Gram Panchayat may, with the previous sanction of the District Board and by a resolution passed at a special meeting by a majority of two-thirds of the total number of panchas, suspend the operation of any tax within the village or any part thereof for a specified period or exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Power of District Board to increase taxation of Panchayat.

91. (1) If in the opinion of the District Board the regular income of a Gram Panchayat falls below what is necessary for the proper discharge of the duties specified in section 45 and 46, the said District Board may require the Gram Panchayat to take steps within six months, to increase its income to such extent as the District Board considers necessary. If the Gram Panchayat fails to take adequate steps to increase its income to the required extent, the District Board may require it to levy the taxes or fees specified in sub-sction (2) of section 80 or enhance the rate at which any of the taxes or fees specified in section 80 is levied.

(2) The Gram Panchayat may appeal to the Government against an order made under sub-section (1) and the Government may stay the execution of such order until it has decided the appeal. The decision of the Government shall be final.

(3) Should the Gram Panchayat fail to levy a tax or fees or enhance the rates of taxes or fees as required

under sub-section (1) or as decided under sub-section (2) the District Board may, with the previous sanction of Government and by notification, levy or enhance the rates of taxes and fees.

Power to call for information.

92. A Gram Panchayat or any other authorised by it in this behalf, may, by notice call, upon any resident of the village to furnish within a reasonable time such information as may be necessary in order to ascertain—

(a) whether such resident is liable to pay any tax or fee imposed under this Act, and

(b) the amount at which he should be assessed.

Assessment not invalid due to defect of form.

93. No assesment and no charge or demand of any tax or fee under the authority of this Act shall be invalid by reason of any clerical error or other defect of form.

Collection of taxes.

Presentation of bill for amount of tax.

94. (1) When any amount on account of a tax, fee, contract, lease, auction or any other money claimable or any fine imposed under this Act or the rules made thereunder is due, the Gram Panchayat shall cause to be presented to the person liable for the payment thereof a bill in the form prescribed, for the sum claimed as due,

(2) Every such bill shall specify—

(a) the amount of tax or any other money due to the Gram Panchayat;

(b) the period for which,

(c) the property, occupation or thing in respect of which the sum is calimed, and

(d) the liability incurred in default of payment.

Notice of demand.

95. If the person to whom a bill has been presented as aforesaid does not, within thirty days from the presentation thereof, either—

(a) pay the sum claimed as due in the bill, or

(b) show cause to the satisfaction of the Sarpanch or any person appointed by him in this behalf why he should not pay the same,

the Sarpanch may cause to be served upon the person liable for the payment of the said sum a notice of demand in the form of schedule 'B'.

In what cases warrant may issue.

96. (1) If the person liable for the payment of the sum due does not, within fifteen days from the service of such notice of demand pay the sum demanded in the notice such sum with all costs of the recovery may be recovered under a warant to be issued by the Sarpanch in the form of Schedule 'C' to the like effect by distress and sale of movable property of the defaulter, or the warrant may be sent to the Tahsildar of the Taluq concerned who shall collect the dues as if these were arrears of land revenue.

(2) Every warrant shall be signed by the Sarpanch of the Gram Panchayat.

Power of entry under special order.

97. Any Officer, to whom a warrant is addressed may, if the warrant contains a special order authorising him in this behalf, but not otherwise, break open at any time between sunrise and sunset any outer or inner door or window of a building in order to make the distress directed in the warrant, if he has reasonable grounds for believing that such building contains property liable to seizure under the warrant, and if after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such Officer shall not enter or break open the door or any apartment set apart for women until he has given reasonable notice of his intension to enter or break open and has given such women an opportunity to remove themselves.

Warrant how to be executed.

98. Such Officer may distrain, wherever it may be found, any movable property of the person named in the warrant as a defaulter subject to the following conditions, exceptions and exemptions, namely—

(a) the following property shall not be distrained:—

(i) the necessary wearing apparel, cooking vessels, bedding of the defaulter, his wife and children, and such ornaments as in accordance with religious usage cannot be parted with by any women;

(ii) the tools of artisans; and

(iii) when the defaulter is an agriculturist, his implements of husbandry, seed-grain and such cattle as may be necessary to enable him to earn his livelihood;

(b) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possi-

ble equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in the opinion of the Sarpanch, should not have been so distrained, those shall forthwith be returned; and

(c) the officer shall on seizing the property forthwith make an inventory thereof, and shall before removing the same give to the person in possession thereof at the time of seizure a written notice in the form of schedule 'D' that the said property will be sold as specified in such notice:

Provided that if after the property is distrained and before it has been sold, the sum due by the defaulter with all costs incidental to notice, warrant and distress of the property is paid, the distress shall be removed.

Sale of goods distrained.

99. (1) When the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody together with the amount to be levied is likely to exceed its value, the Sarpanch shall at once give notice to the person in possession thereof at the time of seizure to the effect that it will be sold atonce and shall sell it accordingly unless the amount named in the warrant be forthwith paid.

(2) If not sold under sub-section (1) the property seized may, unless the warrant is suspended by the person who signed it, or the sum due by the defaulter together with all costs, incidental to the notice, warrant, distress and detention of the property is paid, be on the expiry of the time specified in the notice served by the person executing the warrant, sold by public auction and the proceeds or such part there as shall be requisite, shall be applied in discharge of the sum and the incidental costs as aforesaid.

(3) The surplus, if any, shall be forthwith credited to the Gram Panchayat fund, notice of such credit being given at the same time to the person from whose possession the property was taken. But if the same be claimed by written application to the Gram Panchayat within one year from the date of notice, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Gram Panchayat.

Fees and costs chargeable.

100. Fees for—

(a) every notice issued under section 95,

(b) every distress made under section 98, and

(c) the costs of maintaining any live-stock seized under the said section; shall be chargeable at the prescribed rates and shall be included in the costs of recovery.

Appeal.

101. (1) An appeal against any bill of sum issued under section 94 shall lie to the Munsiff-Magistrate within whose jurisdiction the Gram Panchayat is situated.

(2) No appeal shall lie unless—

(a) the appeal is preferred within 30 days next after service of the bill of sum complained of;

(b) the amount claimed from the appellant has been deposited by him in the office of the Gram Panchayat.

(3) The decision of the Munsiff-Magistrate shall be final and the Gram Panchayat shall give effect to it.

Farming of right to collect tax, toll or fee.

102. (1) The Gram Panchayat may, by public auction or other-wise by private contract, lease the right to collect tax, toll or fee which may be imposed under clauses (e), (g) and (j) of sub-section (2) of section 80 in the manner prescribed:

Provided that the lessee shall give sufficient security for the due fulfilment of the conditions of lease.

(2) Where a lease has been given under sub-section (1) the lessee or any other person employed by him to collect toll and fees shall, subject to the conditions of the lease, have the power referred to in sub-section (1) of section 103.

Procedure in case of nonpayment of toll.

103. (1) In the case of the non-payment on demand of any toll or fee referred to in section 102, the person appointed to collect such toll or fee may seize and detain any vehicle or animal or such portion of the load of any animal or vehicle on which the toll or fee is chargeable or such portion of the goods exposed or about to be exposed for sale by the person from whom it is due, as in his opinion will suffice to defray the amount of toll or fee due.

(2) All property seized under sub-section (1) shall be sent within 24 hours to the Sarpanch or such officer as he may authorise in this behalf, and the Sarpanch or such officer shall forthwith give notice to the person in

possession of the property seized, or if such person cannot be found, publish by beat of drum that after the date of the service or publication of such notice, the property shall be sold by auction:

Provided that when any property seized is subject to speedy or natural decay, it shall be taken to the Sarpanch or the officer authorised in this behalf, and the Sarpanch or such officer shall cause it to be sold at once.

(3) If at any time before the sale is complete the person whose property has been so seized tenders the amount of all expenses incurred and of toll or fee payable, the property seized shall forthwith be released.

(4) If no such tender is made, the sale of property may be completed and the proceeds of the sale applied to the payment of such toll or fee and of the expenses incidental to the seizure, detention, publication by beat of drum and sale.

(5) The surplus, if any, on application made to the Gram Panchayat within six months, may be paid to the person in whose possession the property was when seized, and if no such application is made, shall be the property of the Gram Panchayat.

Liability of Land, buildings, etc., for taxes.

104. Any tax or sum leviable under this Act in respect of any building or land shall, subject to prior payment of land revenue, if any, due thereupon, be a first charge upon the building or land, in respect of which the said tax or sum is leviable, and upon the movable property, if any, found belonging to the person liable for such sum or tax:

Provided that no arrears of any such tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation.

Receipts to be given for all payments.

105. For all sums paid on account of any tax, toll or fee under this Act, a receipt stating the amount and the tax, toll or fee on account of which it has been paid shall be tendered by the person receiving the same.

Bar of other proceedings.

106. No objection shall be taken to any valuation, assessment or levy nor shall the liability of any person to be assessed or taxed, be called into question in any other manner or by any authority other than that provided in this Act.

Limitation of recovery proceedings.

107. No distraint shall be made for the recovery of any sums due to a Gram Panchayat under this Act after the expiry of six years from the date on which such sums became due. The Gram Panchayat, may within three years after the expiry of the said period of six years, institute a suit for the recovery of the same.

Recovery of arrears of taxes and other dues as arrears of land revenue.

108. Not withstanding any other mode of recovery provided by this Act, arrears of any tax or any other money due to the Gram Panchayat under this Act, any amount due to the Gram Panchayat under a contract, aggrement, lease, auction, securities or indemnity bond or otherwise and fine imposed under this Act or the rules made thereunder, together with any sum on account of process fees which may be fixed by rules made under this Act, and with interest at a rate not exceeding six and a quarter per cent per annum, shall also be recoverable on the application of the Gram Panchayat as if it were arrears of the land revenue:

Provided that no interest shall be recovered in any case in which the competent Revenue Officer, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

Refunds.

109. No refund of any tax, toll or fee shall be claimable by any person otherwise than in accordance with the provisions of this Act or the rules made thereunder.

Power to write off irrecoverable taxes, fees, etc.

110. Subject to such rules as may be prescribed the Gram Panchayat may, with the approval of the District Board, write off any tax, fee or other amount or sum whatsoever is due to it, whether under a contract or otherwise, if in its opinion such tax, fee, amount or sum is irrecoverable.

CHAPTER VIII.

Control.

Inspection of property or work.

111. The Collector, the President of the District Board, the District Panchayat Officer, the Deputy Collector, Tahsildar or any other Officer authorised by the Government, Collector or District Board in this behalf may—

(a) enter and inspect any immovable property or any work in progress under the orders of, or any institution controlled by a Gram Panchayat;

(b) call for any extract from the proceedings of the Gram Panchayat or any sub-Committee appointed by the Gram Panchayat and call for or inspect any book or document in the possession of or under the control of a Gram Panchayat; and

(c) require the Gram Panchayat or the Karbhari to furnish any return, plan, estimate, statement, account, report or any other information or statistics which he may consider necessary.

Power to provide for performance of duties in default of Gram Panchayat.

112. (1) When the District Board is informed on complaint made or otherwise that any Gram Panchayat in its jurisdiction has made default in performing any duty under this Act, and is satisfied, after enquiry, that the Gram Panchayat has been guilty of the alleged default or any other default revealed in the course of the enquiry, it may, by an order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed the District Board may appoint some person to perform it, and may direct that the expense of performing it and a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Gram Panchayat.

(3) If the expense and the remuneration are not so paid, the District Board may make an order directing the person having the custody of the balance of the Gram Panchayat fund to pay the expense and remuneration, or as much thereof as is possible from that balance. Such person shall, so far as the funds to the credit of the Gram Panchayat admit, be bound to comply with such order.

Power to suspend execution of order.

113. (1) If in the opinion of the Collector or the District Board the execution of any order or resolution of a Gram Panchayat under their jurisdiction, or the doing of any act which is about to be done, or is being done, by or on behalf of the Gram Panchayat is causing or likely to cause injury or annoyance to the public or to any class or body of persons or to lead to a breach of peace, the Collector or the District Board, as the case may be, may by order in writing suspend the execution or prohibit the doing thereof.

(2) When the District Board makes an order under sub-section (1) it shall forthwith forward to the Collector a copy of the order with a statement of reasons for mak-

ing it and it shall be in the discretion of the Collector to rescind the order or to direct that it shall continue to be in force with or without modification permanently or for such period as he thinks fit.

(3) When the Collector makes an order under sub-section (1) he shall forthwith send to the District Board a copy of such order.

Extraordinary powers of Collector in cases of emrgency.

114. (1) In cases of emergency the Collector may direct or provide for the execution of any work or the doing of any act which the Gram Panchayat is empowered to execute or do, and the immediate execution or doing of which is, in the opinion of the Collector, necessary for the safety of the pubilc and may direct that the expenses of executing the work or doing the act with a reasonable remuneration to the person or persons appointed to execute or do it, shall be forthwith paid by the Gram Panchayat.

(2) If the expense and remuneration are not so paid, the Collector may direct the person having the custody of the balance of the Gram Panchayat fund to pay the expense and remuneration, or as much thereof as possible from the balances of such fund. Such person shall, so far as the funds to the credit of the Gram Panchayat admit, be bound to comply with such order.

Dissolution and reconstitution of Gram Panchayat.

115. (1) If in the opinion of the Governmen a Gram Panchayat persistently makes default in performing the duties imposed on it under this Act or any other law for the time being inforce or exceeds or abuses its power, or a situation exists in which the administration of the Gram Panchayat cannot be carried on in accordance with the provisions of this Act, or the financial stability or credit of the Gram Panchayat is threatened, it may, by notification published in the official Gazette, direct that the Gram Panchayat may be dissolved and reconstituted. The notification shall specify the time within which the Gram Panchayat shall be reconstituted :

Provided that for the purpose of completing the elections to a Gram Panchayat which has been dissolved, the Government may from time to time extend the time fixed under this sub-section for its reconstitution.

(2) Before publishing a notification under sub-section (1) the Government shall communicate to the Gram Panchayat concerned the grounds on which they propose to do so, fix a reasonable period for the Gram Panchayat

to show cause against the proposal and consider the explanations and objections, if any, of such Gram Panchayat.

(3) Upon publication of such notification all Panchas including Sarpanch and Upa-Sarpanch, shall forthwith be deemed to have vacated their office as such.

(4) When a Gram Panchayat is dissolved, the District Board, until the date of reconstitution thereof and a reconstituted Gram Panchayat thereafter, shall be entitled to all the assets and be subject to all the liabilities of the Gram Panchayat as on the date of dissolution and on the date of reconstitution.

(5) During any interval between the dissolution and the reconstitution of a Gram Panchayat under sub-section (1), all or any of the powers of the Gram Panchayat may be exercised and discharged, as far as may be, by the District Board or by such person as may be appointed by it; and such person shall, if the District Board so directs, receive his remuneration.

Dissolution and reconstitution of Gram Panchayat on alteration of limits of village.

116. (1) When a revenue village or hamlet is included within or excluded from a village or the limits of a village are otherwise altered under section 3 or 4, the Government may, by notification, dissolve the Gram Panchayat of that village and direct that a Gram Panchayat—

(i) be reconstituted for the village of which the Panchayat has been dissolved; or

(ii) be established for a village which has been newly declared.

The Panchas of the Gram Panchayat which has been dissolved shall vacate their office from the date specified in the notification.

(2) On dissolution and reconstitution or establishment of a Gram Panchayat under sub-section (1) the following consequences shall ensue—

(a) the Gram Panchayat constituted in respect of such village shall cease to exist or to function and all the Panchas of the Gram Panchayat shall vacate office;

(b) until Gram Panchayats are constituted for the new villages the concerned District Board shall exercise the powers and perform the functions of the Gram Panchayat for each of the new villages;

(c) the unexpended balance of the Panchayat fund and all the porperty (including arrears of taxes and fees) belonging to such Gram Panchayats shall vest in

the new Gram Panchayats in such proportion and in such manner as the Collector may direct;

(d) the officers and servants of such Gram Panchayat shall be allocated by the Collector between the new Gram Panchayats in such manner as he may direct;

(e) subject to clauses (a) to (d) the provisions of section 119 shall **mutatis mutandis** apply to the District Board or the new Gram Panchayats and their Panchas.

Vesting of property, etc., of Gram Panchayat which has been reconstituted or established.

117. (1) When a Gram Panchayat has been dissolved and reconstituted or established under section 116, so much of the Panchayat Fund and other property vesting in the Gram Panchayat which has been dissolved shall vest in, and such portion of the debts and obligations shall be transferred to, the reconstituted or established Gram Panchayat as the Collector may, by order in writing, direct.

(2) The rights and liabilities of the Gram Panchayat, which has been dissolved, in respect of contracts, aggreements and other matters or things arising in or relating to any part of the area subject to the authority of the reconstituted or established Gram Panchayat, shall vest in such Gram Panchayat.

(3) Any notice, tax, order, license, permission, or rule made, issued or imposed in respect of any part of the area subject to the authority of the reconstituted or established Gram Panchayat shall be deemed to have been made, issued or imposed by or in respect of such Gram Panchayat, unless and until it is superseded by any notice, tax, order, license, permission or rule made, issued or imposed by or in respect of such Gram Panchayat.

Effect of area being excluded from village.

118. Where by a notification under subsection (2) of section 3 any revenue village is excluded from a village and such revenue village is not included in or declared to be a village, so much of the Panchayat fund and other property vesting in the Gram Panchayat of the village of which such revenue village formed part, as the Collector may by order in writing direct, shall vest in the District Board to be utilised for the benefit of the area as the District Board may think fit.

Effect of grouping of villages.

119. (1) When two or more villages cease to be villages and declared to be one village (hereinafter in this section referred to as the grouped village) by virtue of a

notification under section 3, with effect from the date on which such notification is issued (hereinafter in this section referred to as the said date) the folowing consequences shall ensue, namely :—

(a) the Gram Panchayats of such villages shall cease to exist and all the Panchas of such Gram Panchayats shall vacate office ;

(b) all powers and duties of such Gram Panchayats shall be exercised and performed by the District Board ;

(c) the unexpended balance of the Panchayat funds and all the property including arrears of rates, taxes and fees belonging to such Gram Panchayats and all rights and powers which, prior to the said date, vested in such Gram Panchayats, shall, subject to all charges and liabilities affecting the same, vest as the Panchayat fund :—

(i) in the District Board, until the Gram Panchayat for the grouped village is constituted (hereinafter referred to as the grouped Gram Panchayat) and holds its first meeting under sub-section (2) of section 26 and

(ii) thereafter, in the grouped Gram Panchayat;

(d) the unexpended balance of the Panchayat funds and all the property including arrears of rates, taxes and fees shall, until the grouped Gram Panchayat is constituted and holds its first meeeting, be utilised for the benefit of the inhabitants of such village in such manner as the District Board may think fit;

(e) any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued, imposed or granted in respect of such villages and in force on the said date shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the grouped village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, license, permission, rule or form made, issued, imposed or granted under this Act ;

(f) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated by such Gram Panchayats immediately before the said date shall be deemed to have been made or authenticated in respect of the grouped village under this Act ;

(g) all debts and obligations incurred and all contracts made by or on behalf of such Gram Panchayats immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the grouped Gram Panchayat in exercise of the powers conferred on it by this Act;

(h) all officiers and servants in the employ of such Gram Panchayats, immediately before the said date shall be officers and servants of the grouped Gram Panchayat and shall, until other provision is made in accordance with this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject on such date:

Provided that it shall be competent to the District Board or the grouped Gram Panchayat, subject however, to the previous sanction of the Collector or the competent officer, to discontinue the services of any officer or servant who, in their opinion, is not necessary or suitable to the requirements of the Gram Panchayat service in respect of the grouped village, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity, as he would have been entitled to take or receive on being invalidated out of service, as if the Village Panchayats, in the employ of which he was, had not ceased to exist;

(i) all proceedings pending at the said date before such Gram Panchayts shall be deemed to be transferred to and continued by the Distirct Board or the grouped Gram Panchayat, as the case may be;

(j) all prosecutions instituted by or on behalf of such Gram Panchayats and all suits or other legal proceedings instituted by or against such Gram Panchayats or any officer of such Gram Panchayts pending at the said date shall be continued by or against the Grouped Gram Panchayat.

(2) If any difficulty arises in giving effect to the provisions of section 116 and this section, the Government may by order, as the occasion may require, do anything which appears to it to be necssary to remove the difficulty.

Disputes.

120. (1) If a dispute arises between two or more Gram Panchayats the matter shall be referred to the Dis-

trict Board and the decision of the District Board shall be final.

(2) If a dispute arises between two or more Gram Panchayats in different districts the matter shall be referred to the Government or to any other authority empowered by the Government in this behalf for decision. The decision of the Government or of the authority so empowered shall be final.

Government's powers of general control over Revenue Officers and to enforce orders in case of default at the cost of the Gram Pnachayat.

121. (1) In all matters connected with this Act, the Government shall have and exercise the same authority and control over the District Boards as it has and exercises over them under the Hyderabd District Boards Act, 1955 (I of 1956).

(2) In all matters connected with this Act or the rules made thereunder, unless it is otherwise provided therein the Government shall have and exercise over Collectors and Deputy Collectors, and the Collectors and Deputy Collectors, shall have and exercise over the officers subordinate to them, the same authority as they respectively have and exercise over them in the general and revenue adminstration.

(3) In all matters connected with this Act if a Gram Panchayat makes default in carrying out any order made by the Government or by any authority other than the Gram Panchayat in the exercise of any of the powers conferred by this Act or rules made thereunder, the Government or such authority shall have the power necessary for the enforcement of such order at the cost of the Gram Panchayat.

Appointment of officers.

122. (1) The Government may appoint one District Panchayt Officer for one or more districts to discharge such functions as may be prescribed.

(2) The Government may appoint one Panchayat Inspector for one or more Talukas to discharge such functions as may be prescribed.

(3) The Government shall have power to regulate the relations of such officers to Revenue Officers in the area for which they are appointed.

(4) The expenses in respect of salary and allowances of such officers and their establishments shall be a charge on the Consolidated fund of the State.

Delegation of powers of the Government.

123. (1) The Government may, by notification, delegate any of its powers under this Act, except the powers to make rules, to any officer or District Board which it may deem fit, to be exercised for the whole State or a part thereof.

(2) The District Board may, with the approval of Government delegate all or any of its powers under this Act to its President or Executive Officer or to any other Officer.

(3) The Government may, by notification, authorise any person to exercise in respect of Gram Panchayats any of the powers conferred on a District Board under the provisions of this Act when such District Board shall have been dissolved or superseded.

Appeals.

124. (1) An appeal shall lie from the following orders passed by the Gram Panchayat to the Munsiff-Magistrate within whose jurisdiction the Gram Panchayat is situated :—

(a) any final order of assessment of any tax under this Act ;

(b) an order requiring ruinous structure to be removed or repaired under section 54.

(2) An appeal shall lie from the following orders passed by a Gram Panchayat to the Tahsildar :—

(a) an order granting or refusing permission to erect or re-erect a building under section 52 ;

(b) an order granting or refusing to grant license under section 55 or revoking a license under section 56 ;

(c) an order requiring the discontinuance of trades and activities under section 56.

(3) An order of the Munsiff-Magistrate under sub-section (1) and the Tahsildar under sub-section (2) shall be final.

(4) An appeal under sub-section (1) and (2) shall not be admitted unless it is preferred within thirty days from the date of the order appealed from :

Provided that any appeal preferred under sub-sections (1) and (2) or under any other provisions of this Act may be satisfied after the period specified, if the appellant satisfies the appellate authority that he had sufficient cause for not preferring the appeal within the said period.

(5) An appeal shall be preferred in the form af a memorandum signed by the applicant and shall be accompanied by a copy of the order appealed from.

(6) An appeal shall not operate as a stay of proceedings under an order appealed from except so far as the appellate authority may order, nor shall execution of an order by stayed by reason only of an appeal having been preferred from the order but the appellate authority may for a sufficient cause order the stay of execution of such order.

Revision.

125. The Government may, at any time, for the purpose of satisfying itself as to the correctness, legality or propriety of any proceedings of or order passed by the Gram Panchayat, Collector or any officer subordinate to the Government or the Gram Panchayat, acting in exercise of any power or authority conferred by or under this Act, call for and examine the records of any case pending before or disposed of by such officer and may pass such order with reference thereto as it thinks fit:

Provided that no order shall be reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

Power to make Rules.

126. (1) All the rules for which provision is made in this Act shall be made by the Government. Such rules may be general for all Gram Panchayats or may be special for the whole or any part of the area subject to the jurisdiction of one or more Gram Panchayats as the Government may direct. All such rules shall be laid before the Legistlative Assembly.

(2) In making any such rules the Government may direct that a breach thereof shall be punishable with fine which may extend to fifty rupees and where the breach is a continuing one with further fine which may extend to a fine of five rupees for every day after the first during which the breach is proved to have been persisted in.

(3) In addition to any power specially conferred by this Act, the Government may make rules generally for the puspose of carrying into effect all or any provisions of this Act.

(4) In particular and without prejudice to the generality of the foregoing power the Government may make rules with regard to—

(i) declaration of a village for the purposes of this Act, under section 3, exclusion and inclusion of a ham-

let under section 4; publication of notifications under sections 7 and 9 ;

(ii) the delimitation of constituencies, under section 10; the time, mode and conduct of election of Panchas, under sections 13, 14, and 15, publication of names of Panchas under section 23 ;

(iii) prohibition of simultaneous membership in more than one constituency and in more than one Gram Panchayat under sections 20 and 21 ;

(iv) election petitions how to be presented, the procedure to be followed in dealing with such petitions and the decision thereon under section 24 ;

(v) the moving of no-confidence motion against Sarpanch or Upa-Sarpanch under section 28 ;

(vi) interpellation by the Panchas under section 36 ;

(vii) the constitution, proceedure and functions of sub-committees, under section 37 ;

(viii) the appointment of officers and servants and their conditions of service under sections 42 and 43 ;

(ix) the transfer of functions to a Gram Panchayat in respect of irigation works, under section 47 ;

(x) the assignment of certain powers of Government to Gram Panchayat, under section 49 ;

(xi) the manner and conditions which may be be prescribed to erect or re-erect any building under section 52 ;

(xii) the conditions for issuing licenses under sections 55, 56 and 57 and the fees which may be charged therefor ;

(xiii) regulating or prohibiting the use for any specified purpose, of any tank, well, stream or watercourse under sections 59 and 60 ;

(xiv) regulating or prohibiting the slaughter of animals under section 64 ;

(xv) the independent authority which the Gram Panchayat may exercise in respect of public institutions, maintained out of its fund with reference to section 65 ;

(xvi) the preparation of village plan and its notification under section 66 ;

(xvii) provisions for empowering a Gram Panchayat for maintenance of law and order and prevention of crimes under section 67 ;

(xviii) the formation of Gram Panchayat Fund and its administration and expenditure from that fund under sections 70 and 73 ;

(xix) the conditions and procedure for borrowing under section, 74 ;

(xx) the preparation and form of annual estimate of income and expenditure, the date of submission and the items of budget, the scrutiny and its sanction under sections 75 and 76 ;

(xxi) the accounts to be kept and the statements and reports to be submitted and other particulars under sections 77, 78 and 79 ;

(xxii) the imposition and assessment and collection of taxes and fees specified under section 80 and fixing the maximum amounts or rates thereof and for preventing execution of assessment and payment, for fixing the rates for performance of labour under section 87 and the fee payable for notices of demand and warrant under section 100 ;

(xxiii) the form in which the bill may be presented under section 94 ;

(xxiv) the conditions under which the collection of tax, toll or fee may be farmed out ;

(xxv) the manner in which the refunds may be made and the irrecoverable amounts of taxes may be written off under sections 109 and 110 ;

(xxvi) prescribing the functions and duties of officers appointed under section 122 ;

(xxvii) the manner and the fees for inspection of records and obtaining the copies thereof under section 147 ;

(xxviii) all matters relating to elections to a Nyaya Panchayat including the deposits to be made by the candidates standing for election and the conditions under which such deposits may be forfeited; the disputes relating to electoral rolls or elections, under section 167 ;

(xxix) the manner in which the election of Pradhan and Upa-Pradhan is to be held under section 168;

(xxx) the manner in which the oath of Office is to be taken by every Nyaya Panch under section 170;

(xxxi) the manner in which a Nyaya Panchayat shall determine and dispose of suits under section 191 ;

(xxxii) the form of summons and the manner of its service under sections 200 and 209 ;

(xxxiii) the manner in which the decree or order of a Nyaya Panchayat is to be executed under section 216 :

Provided that no such rules under this section shall be made by the Government without previous publication in the official Gazette.

CHAPTER IX.

Miscellaneous.

Liability of Sarpanch, Upa-Sarpanch, Karbhari for loss, waste or misapplication of property.

127. (1) If, after giving the Sarpanch, Upa-Sarpanch or the Karbhari, sufficient opportunity for showing cause to the contrary, the Collector is satisfied that the loss, waste or misapplication of any money or other property owner by or vested in the Gram Panchayat is a direct consequence of misconduct or gross neglect on the part of such Sarpanch, Upa-Sarpanch or Karbhari the Collector may, by order in writing, direct the Sarpanch, Upa-Sarpanch or Karbhari to pay to the Gram Panchayat, before a date fixed, the amount required to reimburse it for such loss, waste or misapplication, unless the Sarpanch, Upa-Sarpanch or Karbhari proves that he had acted in good faith.

(2) If the amount is not so paid, the Collector shall cause it to be recovered as arrears of land revenue and credited to the Gram Panchayat Fund.

(3) An appeal shall lie within 30 days from any decision of the Collector under this section to the Government whose decision shall be final.

Bar of suit in respect of act done in good faith.

128. No suit or other legal proceedings shall lie against the Sarpanch, Upa-Sarpanch, or a Panch or any Officer, servant of Gram Panchayat or any person acting under its direction, in respect of anything done in good faith under this Act or any rule made thereunder.

Prohibition of suits.

129. No Civil Court shall entertain a suit arising out of or connected with any matter in relation to which this Act or any rule made thereunder provides that the decision of any authority shall be final.

Bar of suit in absence of notice.

130. No suit shall be instituted against any Gram Panchayat or any Panch, Officer or servant thereof, or any person acting under the direction of any such Gram

Panchayat, Panch, Officer or servant for any thing done or purporting to be done under this Act, until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of abode of the intending plaintiff and the relief which he claims. Such notice shall be in the case of a Gram Panchayat delivered or left at its office and in the case of any such Panch, Officer or servant or person as aforesaid, delivered to him or left at his office or usual place of abode; and the plaint shall contain a statement that such notice has been so delivered or left.

Offences and Punishments.

Punishment for obstructing Gram Panchayat, etc.,

131. Whoever obstructs a Gram Panchayat or a Panch or any person employed by the Gram Panchayat or any person with whom it has contracted in the performance of its duty, under the provisions of this Act or of any rule made thereunder, or prevents or tries to prevent any person from doing anything which he is empowered or required to do by virtue of this Act, or removes any mark set up for the purpose of indicating any level or direction incidental to the carrying out of any work, authorised by this Act, or removes, destroys, or defaces or otherwise obliterates any notice put up or exhibited by a Gram Panchayat or under its authority, shall be liable on conviction to a fine not exceeding fifty rupees.

Punishment for erection or re-erection of a building without permission etc.

132. Whoever erects, or re-erects a building without the written permission required by section 52 or in contravention of any of the conditions imposed by the said section shall be punishable with fine which may extend to hundred rupees. He shall also be liable to a further fine which may extend to five rupees for each day after conviction during which he is proved to have persisted in the offence.

Destroying or defacing name or numbers.

133. Whoever destroys, pulls down or defaces any name or number put up under section 51 by an order of the Gram Panchayat or puts up any different name or number, shall be punishable with a fine which may extend to twenty rupees.

Despositing or throwing earth, rubbish, etc, on roads or into drains.

134. Whoever, without the written permission of the Gram Panchayat or in disregard to its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or ma-

terial of any description, refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to fifty rupees.

Discharging sewage.

135. Whoever, without the written permission of the Gram Panchayat, causes or allows the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose, shall be punishable with a fine which may extend to fity rupees.

Other offences and punishments.

136. Except as otherwise provided, whoever contravenes any provision of, or fails to comply with any requisition lawfuly made under sections 56, 57, 58, 59 and 60, shall be punishable for each of such offences with fine which may extend to hundred rupees. He shall also be liable to a further fine which may extend to five rupees for each day after conviction during which he is proved to have persisted in the offence.

Disobedience of orders not punishable under any other section.

137. Whoever disobeys any lawful directions given by public notice or any notice lawfully issued under this Act or fails to comply with the conditions subject to which any permission was given to him shall, if no penalty for such offence is provided elsewhere in this Act or the rules made thereunder be punishable with fine which may extend to fifty rupees, and, in case of continuing breach, with a further fine which may extend to five rupees for each day after the first, during which breach is proved to have been persisted in.

Cognizance of offences.

138. (1) Unless otherwise expressly provided in this Act, no court shall take cognizance of any offence punishable under this Act or rules made thereunder, except on the complaint of, or upon infomation received from the Gram Panchayat or any person authorised by the Gram Panchayat in this behalf.

(2) The Gram Panchayat may authorise any person to make complaints or give information, without reference to the Gram Panchayat, either generally in regard to all offences against this Act and rules made thereunder or particularly in regard to only specified offences. Such person may be authorised by virtue of his office, if he is the Sarpanch, Upa-Sarpanch, Karbhari or the Officer-in-

Charge of a Police station; in other cases the authority shall be by name. The authority shall in all cases be in writing and may, at any time, be cancelled by the Gram Panchayat.

(3) No prosecution for an offence under this Act or the rules made thereunder shall be instituted except within six months of the commission of such offence.

Power to compound offences.

139. (1) The Gram Panchayat, may compound for a sum not exceeding rupees five hundred except electoral offences, any offence under this Act or any rule made thereunder which, under the law for the time being in force, may legally be compounded.

(2) On payment of the amount by way of compensation no further proceedings shall be taken or continued against the defaulter in regard to the offence or alleged offence so compounded.

Notice shall be in writing

140. All notices given or issued under the provisions of this Act or rules made thereunder shall be in writing.

Services of notices, etc., addressed to individuals.

141. Service of every notice and bill under this Act on any person or to any person to whom it is by name addressed, shall, in all cases not otherwise specially provided for, in this Act, be effected by a Gram Panchayat or an officer or servant or other person authorised by the Gram Panchayat in this behalf or, on such terms as may be agreed upon, by any officer or servant of the Government in the following manner:—

(a) Wherever it is practicable service shall be made by delivering or tendering the notice or bill personally to the person to whom it is addressed, unless he has an agent empowered to accept service, in which case service on such agent shall be sufficient.

(b) Where such a person cannot be found and has no agent empowered to accept service on his behalf, service may be made on any adult made member of his family who is residing with him.

Explanation.—A servant is not a member of the family within the meaning of this clause.

(c) where the serving officer delivers or tenders the notice or bill to such person personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom it is so delivered or tendered to, an acknowledgement of service.

(d) Where such person or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer, after using all due and reasonable diligence, cannot find such person and there is no agent empowered to accept service on his behalf, nor any other person on whom service can be made, the serving officer shall affix the notice or bill on the outer door or some conspicuous part of the house in which he ordinarily resides or carries on business or or personally works for gain and shall then return the original to the authority who issued the notice or bill with a report endorsed thereon or annexed thereto, stating that he has so affixed the copy, the circumstances under which he did so, and the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed.

(e) The serving officer shall, in all cases in which service has been made under clause (c), endorse or annex, on or to the original notice or bill, a return stating the time when and manner in which it was served, and the name and address of the person (if any) identifying the person served and witnessing the delivery or tender.

(f) Where the authority issuing the notice or bill is satisfied that there is reason to believe that the person to whom it is addressed is keeping out of the way for the purpose of avoiding service, or that for any other reason the notice or bill cannot be served in the ordinary way, such authority shall order it to be served by affixing a copy thereof in some conspicuous place in the office, and also upon some conspicuous part of the house (if any) in which such person is known to have last resided or carried on business or personally worked for gain, or in such other manner as he thinks fit. Service substituted by order of such authority shall be as effectual as if it has been made on such person personally. Where service is substituted by order of the authority, the the authority shall fix such time for the appearance of the person as the case may require.

(g) Where the person to whom the notice or bill is addressed resides out of the village and has no agent in the village empowered to accept service, the notice or bill shall be addressed to him at the place where he is residing and sent to him by post, if there is postal

communication between such place and the place from which the notice or bill is sent.

Service of Notices on owners or occupiers of buildings and lands.

142. When any notice under this Act, is required or permited by or under this Act to be served upon an owner or occupier of any building or land, the service thereof, in cases not otherwise specially provided for in this Act, shall be effected—

(a) by giving or tendering the notice to the owner or occupier, or, it there be more owners or occupiers than one, to any one of them ;

(b) if no such owner or occupier be found then by giving or tendering the notice to some adult made member of the family of any such owner or occupier as aforesaid ;

(c) If none of the means aforesaid be available then by causing the notice to be affixed on some conspicuous part of the building or land to which the same relates.

Publication of public and general notice.

143. Every notice which this Act requiries or empowers a Gram Panchayat to give or to serve, either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if it has been published by proclaimation made by beat of drum in the locality and a copy thereof has been posted to a notice board at the office of the Gram Panchayat or in such other public buildings or places as the Gram Panchayat may decide, or has been published in any newspaper having a circulation in the village.

Defective form of notice ; fixation of reasonable time and consequence of non-compliance.

144. (1) No notice or bill shall be invalid merely on account of any defect in the form.

(2) When any notice requires any act to be done for which no time is fixed by this Act, the notice shall fix a reasonable time for doing the same.

(3) In the event of non-compliance with the terms of the notice the Gram Panchayat may take such action or steps as may be necessary for the doing of the act thereby required to be done, and all the expenses thereby incurred by the Gram Panchayat shall be paid by the person or persons upon whom a notice was served, and shall be recoverable in the same manner as arrears of tax.

Panch and Officer of the Gram Panchayat to be public servant.

145. The Sarpanch, Upa-Sarpanch, Panch, Karbhari, and every Officer or servant appointed under this Act and every contractor or agent for the collection of any tax and every servant or other person employed by any contractor or agent shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860 (XLV of 1860).

Assistance of Police to the Gram Panchayat.

146. Every Police Officer in whose jurisdiction the village is situated, shall be bound to assist the Gram Panchayat in exercise of their lawful authority.

Records to be open to inspection.

147. Subject to rules made under this Act and to the payment of such fees as may be prescribed the records and reports of the Gram Panchayat and its Sub-Committees shall be open to inspection to such persons of the village as may desire to inspect and certified copies thereof shall be given to such persons as may apply for them :

Provided that no inspection of confidential records and reports, if any, shall be allowed.

Bidding prohibited.

148. No Panch, employee of a Gram Panchayat or any Officer having any duty to perform in conncetion with the sale of movable or immovable property under this Act shall directly or indirectly bid for or acquire interest in any property sold at such sale.

Effect of area ceasing to be a village.

149. On any area ceasing to be a revenue village by the Government issuing a notification to that effect—

(a) The Gram Panchayat established therefor shall shall be dissolved and all members of the Gram Panchayat shall vacate office as from the date of the notification ;

(b) The unexpended balance of the Gram Panchayat fund and the property vesting in the Gram Panchayat shall vest in the District Board, to be utilised for the benefit of the inhabitants of the area as the Distric Board may think fit.

CHAPTER X.

Conciliation.

Definition.

150. In this chapter unless the context requires otherwise—

(a) 'Dispute' means a civil dispute including revenue proceedings ;

(b) 'Board' means the Conciliation Board constituted for a village.

Concilliation Board and its constitution.

151. Where a Nyaya Panchayat is established there shall be a Conciliation Board for every village consisting of the Sarpanch or in his absence the Upa-Sarpanch, and two Panchas of the Gram Panchayat—each party to the dispute to select one Panch :

Provided that the Sarpanch or Upa-Sarpanch shall not take part in the conciliation proceedings if such Sarpanch or Upa-Sarpanch is—

(a) a party to or in any way connected with the dispute ;

(b) the father, mother, grand father, grand mother, sister, husband, wife, brother or first cousin of either of the party to the dispute :

Provided further that where—

(i) the Sarpanch is a party to or connected with the dispute or related to any of the parties as aforesaid the UpaSarpanch shall perform the duty of the Sarpanch ;

(ii) both the Sarpanch and the Upa-Sarpanch are parties to the dispute or related to either of the parties as aforesaid, one of the Panchas, to be elected for the purpose by the Panchas, shall, perform the duties of the Sarpanch.

Place of proceedings.

152. The Board may hold its proceedings in any place within the village.

Jurisdiction.

153. In case of a dispute the Board of the village, within whose limits the defendants reside or carry on busines or work for gain or the property in dispute is situate, shall have jurisdiction to undertake conciliation.

Bar to suit.

154. (1) No Nyaya Panchayat shall take cognizance of any dispute unless a certificate of failure of conciliation proceedings in respect thereof has been produced before it by the plaintiff.

(2) If any plaint or application is filed before the Nyaya Panchayat without the matter having been referred to the Board, the Naya Panchayat shall return the plaint or application, as the case may be, to the party for presenting it to the Board concerned.

Application for conciliation.

155. (1) Either of the parties to the dispute shall refer the dispute to the Board concerned for conciliation before filling a suit in respect thereof provided the dispute is cognizable by the Nyaya Panchayat.

(2) The application for the conciliation may be made in writing or orally and must state the names and description of the parties and a statement of the dispute, and shall, if made in writing, be signed by the person making it.

(3) On receiving the application, the Board shall fix a date, time and place for hearing the dispute and shall inform the other party to the dispute of the same, allowing the reasonable time for appearance:

Provided that in case such party is a minor either his parents or lawful guardian shall also be informed by the Board of the first date and place of hearing.

(4) Each party to the dispute shall appear before the Board at the time and date appointed.

(5) If a party due to any valid reason is unable to appear on the appointed date, time and place fixed as aforesaid he shall inform the Board of his inability to attend and the reason therefor. The Board may adjourn or terminate the proceedings as they deem fit.

(6) The person or persons who fail to comply with the provisions of sub-section (5) shall be liable to fine upto ten rupees and for the next default to a fine extending to twenty rupees, and the fine shall form a part of the Gram Panchayat Fund.

(7) The proceedings shall not be open to the public but the husband of a party or parents or lawful guardian of a party who is a minor can be present at the hearing.

Proceedings to be oral and continuous.

156. (1) The conciliation proceedings shall be oral and as far as possible continuous and shall be concluded within one month of the date of reference.

(2) If the proceedings are not terminated within one month it shall be deemed to be a failure of conciliation proceedings.

Production of witnesses.

157. The Board shall hear the witnesses who are produced before it by the parties or appear voluntarily, but it shall not have any power to summan them to appear and give evidence before it and their evidence shall not be taken down in writing.

Hearing of witnesses.

158. The Board shall have no power to administer oath either to the parties or to their witnesses.

Result of conciliation.

159. (1) If a compromise between the parties is effected it shall be reduced into writing and brought on record.

(2) .The record shall contain—

(a) the time and place of the proceedings;

(b) the names of the parties appearing, their lawful representatives and guardians, if any;

(c) a brief statement of the claim of each party;

(d) the dispute and its subject-matter;

(e) the settlement:

Provided that where no compromise has been arrived at, only itmes at (a), (b) and (c) are to be mentioned as well as the fact of the failure to arrive at a compromise.

(3) The record of the proceedings shall be read out to the parties or given to them for reading and the fact that the same has been read over and admitted by the parties to be correct shall be noted.

(4) The parties and members of the Board shall sign the record or affix their thumb impressions thereon.

Maintenance of registers and their safe custody.

160. (1) The Sarpanch or in his absence the Upa-Sarpanch shall be responsible for the maintenance and custody of the register of the conciliation proceedings.

(2) The parties or their representatives shall be entitled to a copy of the findings of the Board on payment of one rupee for each copy which shall be attested by the Sarpanch and bear the date of application and the supply of copy and the name of the person apply for the same.

Execution of settlement.

161. (1) The settlement shall take effect as if it were a decree or order of the Nyaya Panchayat.

(2) Nyaya Panchayat or the Court, as the case may be, shall inform the Board of the execution of the settlement and the Board shall make an entry to that effect in its register.

(3) Notwithstanding anything contained in the law of registration for the time being in force the settlement made under section 159 shall not be liable to registration.

Saving of limitation.

162. The time spent in proceedings before the Board shall be excluded when counting the period of limitation for every suit or application.

Secrecy of proceedings.

163. (1) No member of the Board shall disclose to any person, Court or authority anything which has come to his knowledge in the course of conciliation proceedings nor shall he be compelled by any court or authority to answer any question relating to such proceedings.

(2) A person contravening the provisions of sub-section (1) shall be liable to simple imprisonment which may extend to six months or fine not exceeding on thousand rupees or both.

(3) Any person aggrieved may file a complaint in respect of the contraventions of the provisions of sub-section (1) before a magistrate of the first class having jurisdiction.

CHAPTER XI.

Constitution, Establishment and Power of Nyaya Panchayats.

Nyaya Panchayats.

164. (1) The Government may establish Nyaya Panchayat for the administration of Criminal and Civil justice in such village or group of villages consisting of not more than ten, as it may, by notification published in the Official Gazette, declare :

Provided that the villages comprising a group shall, as far as possible, be contiguous.

(2) Such a Nyaya Panchayat shall be known by such name as may be specified in the notification issued under sub-section (1).

Constitution of a Nyaya Panchayat.

165. Every village shall elect five persons—

(a) to act as Nyaya Panchas for a Nyaya Panchayat established for a village ;

(b) to form a panel of Nyaya Panchas for a Nyaya Panchayat established for a group of villages.

Qualification and disqualification of a Nyaya Panch.

166. Any person shall, subject to the provisions of of sections 16 and 17, be qualified to be elected as a Nyaya Panch :

Provided that such person is—

(i) a permanent resident of the village,

(ii) not a Panch of the Gram Panchayat of the village, and

(iii) able to read and write.

Election to a Nyaya Panchayat.

167. (1) The election to a Nyaya Panchayat shall be conducted in the manner prescribed.

(2) The list of voters maintained under section 11 shall be deemed to be the list of voters for the purposes of sub-section (1).

Election of Pradhan and Upa-Pradhan.

168. All the Nyaya Panchas elected under section 165 shall, at a meeting convened for the purpose in the manner prescribed, elect from amongst themselves, two persons who are able to record proceedings, to act as Pradhan and Upa-Pradhan of the Nyaya Panchayat.

Term of office.

169. (1) The term of office of every Nyaya Panch shall be three years from the date of election or if the Government so declares by notification published in the Official Gazette, for such longer term not exceeding four years as may be specified.

(2) Every Pradhan or Upa-Pradhan shall cease to hold office on the expiry of his term of office as Nyaya Panch :

Provided that on the expiry of the term of office as Nyaya Panch the Pradhan and Upa-Pradhan shall continue to carry on the current administrative duties of their offices until such time as a new Pradhan or Upa-Pradhan is elected and takes over charge.

Oath of office.

170. Every Nyaya Panch elected under Section 165 shall take oath of office in such manner, as may be prescribed.

Resignations.

171. (1) The Upa-Pradhan or any other Nyaya Panch may submit in writing the resignation of his office to the Pradhan.

(2) The Pradhan may submit in writing the resignation of his office to the Collector.

(3) No resignation tendered under sub-section (1) or (2) shall be valid unless it has been accepted by the Pradhan or Collector, as the case may be.

Removal.

172. (1) The Pradhan, Upa-Pradhan or any Nyaya Panch may be removed at any time by the Collector or the competent Officer in the manner prescribed, if he—

(a) incurs any disqualification under clauses (a), (b), (c) and (d), of sub-section (1) of section 18 ;

(b) refuses to act or becomes incapable of acting;

(c) absent himself from the sittings of the Nyaya Panchayat for more than a month unless leave, so as

to absent himself (which shall not exceed three months) has been granted by the Pradhan :

Provided that in case of Pradhan leave shall be granted by the Collector ;

(d) is in the opinion of the Collector or the competent officer, guilty of misconduct in the discharge of his duties ;

(e) is in the opinion of the Collector undesirable in the public interest to continue in the office.

(2) A Nyaya Panch removed under sub-section (1) shall not be entitled to re-election as a Nyaya Panch for a period of five years.

Filling of casual vacancy.

173. If a vacancy in the office of a Pradhan, Upa-Pradhan or a Nyaya Panch arises by reason of his death, resignation or removal, it shall be filled for the un-expired portion of his term in the manner provided in this Act

Seal of Nyaya Panchayat.

174. Every Nyaya Panchayat shall have a seal in accordance with the prescribed pattern bearing its name, the name of the Taluq and District in which it is established and shall therewith seal all decrees, orders, proceedings, processes, receipts and copis issued by it.

Constitution of a bench.

175. (1) The Pradhan shall for the trial of every case, suit or proceedings form a bench of five Nyaya Panchas from the panel elected under clause (b) of section 165:

Provided that at least one of the Nyaya Panchas in the bench shall be a person who is able to record evidence and proceedings.

(2) The Nyaya Panchayat established under clause (a) of section 165 shall be deemed to be a bench for the trial of every case, suit or proceedings.

(3) Every bench formed under sub-section (1) shall include one Nyaya Panch who resides in the village in which the plaintiff of a suit or proceedings or the complainant of a case resides and likewise one Nyaya Panch residing in the village in which the defendant or the accused resides, and three Nyaya Panchas residing in the village in which neither party resides :

Provided that in police cases one Nyaya Panch shall be such as may be residing in the village in which the offence was committed, one Nyaya Panch residing in the village in which the accused resides and three Nyaya Panchas residing in the vilages other than those mentioned above.

(4) No Pradhan or Upa-Pradhan or a Nyaya Panch shall take part in the trial of any case, suit or proceedings to which he or his near relation, employer, employee or partner in business is a party or in which any of them may be personally interested.

Absence of a Nyaya Panch at a hearing.

176. (1) If any Nyaya Panch is absent from any hearing of a case, suit or proceedings the remaining Nyaya Panchas may, notwithstanding anything contained in this Act, try the case, suit or proceedings:

Provided that at least three Nyaya Panchas are present.

(2) No trial as aforesaid shall be invalid by reason merely that all the five Panchas forming the bench were not present at any hearing or that the same Panchas were not present at all the hearings.

(3) The provisions of sub-sections (1) and (2) shall **mutatis mutandis** apply to an inquiry made by a Nyaya Panchayat under section 189.

Territorial Jurisdiction.

177. (1) Notwithstanding anything contained in the Code of Criminal Procedure 1898 (V of 1898), every case instituted under this Act shall be instituted before the Pradhan of the Nyaya Panchayat of the village or group of villages, as the case may be, in which the offence is committed.

(2) Notwithstanding any thing contained in the Code of Civil procedure, 1908 (V of 1908), every suit instituted under this Act shall be instituted before the Pradhan of the Nyaya Panchayat of the village or group of villages, as the case may be, in which the defendant or any of the defendants, where they are more than one, ordinarily resides or carries on business at the time of the institution of the suit irrespecttive of the place where th cause of action arose.

(3) Notwithstanding anything contained in the Hyderabad Record of Rights in Land Regulation, 1358 F., and in the Hyderabad Tenancy and Agricultural Lands Act, 1950, (XXI of 1950), any proceedings specified under section 194 shall be instituted before the Pradhan of the Nyaya Panchayat of the village or group of villages, as the case may be, in which the defendant or any of the defendants reside or the land in dispute is situated.

Criminal powers.

178. (1) A Nyaya Panchayat shall have jurisdiction to try the offences specified in Schedule 'E'.

(2) In addition to the offences specified in Schedule 'E' a Nyaya Panchayat shall have jurisdiction to try any other offence under any other enactment declared by the Government to be congnizable by the Nyaya Panchayat.

Certain persons accused of theft not to be tried by Nyaya Panchayat.

179. No Nyaya Panchayat shall take congnizance of any offence in which the accused—

(a) has been previously convicted of an offence with imprisonment of either description for a term of three years or more, or

(b) has been previously fined for theft by any Nyaya Panchayat, or

(c) has been bound over to be of good behaviour in proceedings instituted under Section 109, or Section 110 of the Code of Criminal Procedure 1898 (V of 1898).

Security for keeping peace.

180. (1) Whenever the Pradhan or in his absence the Upa-Pradhan has reason to apprehend that any person within the jurisdiction of the Nyaya Panchayat is likely to commit a breach of peace or disturb public tranquality he may, by order in writing setting forth the substance of the information or the facts in his personal knowledge, require such person to show cause why he should not be ordered to execute a bond with or without sureties for an amount not exceeding rupees two hundred and fifty for keeping the peace for a period not exceeding one year.

(2) When two or more persons have been associated together in the matter under enquiry they may be dealt within the same or separate enquiries as the Nyaya Panchayat deems fit.

(3) When any person appears or is brought before the Nyaya Panchayat in compliance with or in execution of a summons the Nyaya Panchayat shall proceed to enquire into the truth of the information on which action has been taken and to take such further evidence as may be necessary.

(4) If, upon such enquiry the Nyaya Panchayat is satisfied that it is necessary for keeping the peace that the person in respect of whom the enquiy is made should execute a bond wiith or without sureties, the Nyaya Panchayat shall make an order accordingly :

Provided that the when the person in respect of whom the enquiry is made is a minor, the bond shall be executed by his sureties.

(5) If upon such enquiry the Nyaya Panchayat is satisfied that it is not necessary for keeping the peace that the person in respect of whom the enquiry is made should execute a bond, the Nyaya Panchayat shall make an entry on the record to that effect and shall discharge him.

(6) Nothing contained in this section shall effect the powers of a Magistrate to take security for keeping the peace under section 107 of the Code of Criminal Procedure 1898 (V of 1898).

Penalties.

181. (1) No Nyaya Panchayat shall inflict a sentence of imprisonment.

(2) A Nyaya Panchayat may impose a fine not exceeding one hundred rupees but no imprisonment shall be awarded in default of payment.

Transfer of Criminal cases to the Nyaya Panchayat.

182. If at any stage of proceedings in a Criminal case pending before a Magistrate it appears that the case is triable by a Nyaya Panchayat, he shall at once transfer the case to that Nyaya Panchayat which shall try the case **denovo.**

Compensation to Complainant.

183. In imposing any fine the Nyaya Panchayat may order any portion or the whole of the fine recovered to be applied—

(a) in defraying the expenses properly incurred in the case by the complainant;

(b) in compensation for material damage or loss caused by the offence committed.

Compensation to accused for false or frivolous case.

184. If a Nyaya Panchayat is satisfied, after enquiry, that a case brought before it was false, malicious, frivolous or vexatious, it may order the complainant to pay to the accused such compensation, not exceeding rupees twenty five as it thinks fit:

Provided that no such order shall be passed unless the complainant is given an opportunity to show cause against it.

Release after admonition or on probation of good conduct.

185. (1) When any person is convicted by a Nyaya Panchayat and no previous conviction is passed against him, if it appears to the said Nyaya Panchayat that regard being had to the age, character and antecedents of the offender and to the circumstances in which the offence was committed, it is expedient—

(a) that the offender should be released after due admonition, the Nyaya Panchayat may, instead of sentencing him to any punishment, release him after due admonition, or

(b) that the offender should be released on probation of good conduct, the Nyaya Panchayat may, notwithstanding anything contained in the Code of Criminal Procedure 1898, (V of 1898), instead of sentencing him at once, direct that he be released on his executing a bond a sum not exceeding fifty rupees to appear and receive sentence when called upon during such period (not exceeding one year) as it may direct, and in the meantime to keep the peace and be of good behaviour.

(2) The amount of such bond, if forfeited, shall be recoverable by the Nyaya Panchayat as if it were a fine imposed under this Chapter.

Reference by Nyaya Panchayat to Munsiff-Magistrate.

186. (1) When any Nyaya Panchayat is of opinion that any suit or case before it is of such nature or of such intricacy or importance that it ought to be tried by a Court or that the accused in a case ought to receive a punishment different in kind from, or more severe than that which such Nyaya Panchayat is empowered to inflict, it shall stay proceedings and refer the suit or case to the Munsiff-Magistrate for orders.

(2) If the Munsiff-Magistrate is of opinion that the suit or case is of such nature, intricacy or importance that it ought not to be tried by the Nyaya Panchayat or that the accused in a case ought to receive a punishment different in kind from, or more severe than that which such Nyaya Panchayat is empowered to inflict he shall like cognizance of such suit or case, otherwise he shall return the suit or case to the Nyaya Panchayat, which made the reference for disposal.

Transfer of suit, case or porceedings.

187. (1) On the application of any of the parties or on his own motion and after notice to the parties, the Munsiff-Magistrate or the Deputy Collector, as the case may be, for the ends of justice, may, at any stage transfer any suit, case or proceedings, as the case may be, pending before a Nyaya Panchayat to another Nyaya Panchayat for trial and disposal.

(2) If there is no Nyaya Panchayat subordinate to the Munsiff-Magistrate or the Deputy Collector, as the

case may be, competent to try or dispose of such suit, case or proceedings the Munsiff-Magistrate or the Deputy Collector, as the case may be, may refer the matter to the District or Sessions Court or the Collector; and the District and Sessions Judge or the Collector may, after hearing the parties, transfer the same to any other Nyaya Panchayat competent to try or dispose of the same.

(3) Nothing in section 177 shall, in any way, affect the powers of the Munsiff-Magistrate, Deputy Collector, District and Sessions Judge or Collector to transfer such suit, case or proceedings; and on such transfer the Nyaya Panchayat to which the same is transferred shall try or dispose of the same, as if the same was instituted before it.

Conviction of a Nyaya Panchayat not to be a previous conviction.

188. A conviction by a Nyaya Panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code, 1860 (XLV of 1860).

Enquiry in case forwarded by Magistrate.

189. A Magistrate may direct an inquiry to be made under Section 202 of the Code of Criminal Procedure, 1898 by a Nyaya Panchayat in any case in which the offence is committed within the territorial jurisdiction of such Nyaya Panchayat and the Nyaya Panchayat shall inquire into the case and submit its report to the said Magistrate.

Extent of jurisdiction.

190. (1) Save as provided in Section 192 the jurisdiction of Nyaya Panchayat shall extend to any suit of the following description if its value does not exceed one hundred rupees:—

(a) a suit for money due on contract, other than a contract in respect of immovable property;

(b) a suit for the recovery of movable property or for the value thereof;

(c) a suit for compensation for wrongfully taking or injuring a movable property; and

(d) a suit for damages caused by cattle trespass.

(2) The Government may, by notification in the Official Gazette, direct that the pecuniary jurisdiction of any Nyaya Panchayat shall extend to all such suits of such value not exceeding five hundred rupees as may be specified in the notification.

Extention of jurisdiction.

191. Notwithstanding anything contained in this Act or in any law for the time being in force—

(i) parties to any civil or revenue dispute irrespective of its value arising within the territorial juris-

diction of a Nyaya Panchayat and not pending in any Court, may, by written agreement, refer the same for its decision to the Nyaya Panchayat and the Nyaya Panchayat shall, subject to rules prescribed, determine and dispose of such suit under this Act,

(ii) it shall be lawful for the Nyaya Panchayat to decide such disputes in accordance with any settlement, compromise or oath agreed upon by the parties.

Suits not triable by a Nyaya Panchayat.

192. A Nyaya Panchayat shall have no jurisdiction to take cognizance of the following suits :—

(i) a suit for a balance of partnership account, unless the balance has been struck by the parties or their agents;

(ii) a suit for a share or part of a share under an intestacy or for a legacy or part of a legacy under a will;

(iii) a suit by or against the Central Government, State Government or a local authoriy or a Public Servant for acts done in his official capacity;

(iv) a suit by or against a minor or a person of unsound mind;

(v) a suit for the assessment, enhancement, reduction, abatement, apportionment or recovery of rent of immovable property.

(vi) a suit for any matter in respect of which any suit or application would be cognizable by a Board for the settlement or adjustment of debts.

Suits to include the whole claim.

193. (1) Every suit instituted before Nyaya Panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the Nyaya Panchayat.

(2) If a plaintiff omits to sue in respect of or relinquishes any portion of the claim he shall not be permitted afterwards to sue in respect of the portions so omitted or relinquished.

Revenue proceedings.

194. All disputed proceedings under Section 4, 5 and 6 of the Hyderabad Record of Rights in Land Regulation No. LVIII of 1358 Fasli and under sections 5, 17,

18, 24, 28, 32, 39, 41, 45 and 46 of the Hyderabad Tenancy and Agricultural Lands Act 1950 (XXI of 1950) shall be instituted before a Nyaya Panchayat having jurisdiction, if the whole of the property involved is within the jurisdiction of the Nyaya Panchayat:

Provided that proceedings under section 6 of the Hyderabad Record of Rights in Land Regulation No. LVIII, 1358 F., in which land paying more than rupees two hundred land revenue is involved shal not be instituted before the Nyaya Panchayat:

Provided further that no application for correction of records or mutation of names shall be entertained by a Nyaya Panchayat.

Effect of dceision by the Nyaya Panchayat.

195. The decision of a Nyaya Panchayat on the question of title, legal character, contract or obligation shall not bind the parties except in respect of the suit in which such matter is decided.

Dismissal of suits barred by limitation.

196. (1) If, at any time, the Nyaya Panchayat is of opinion that the suit is barred by limitation it shall dismiss the suit by an order in writing.

(2) If, at any time, the Nyaya Panchayat is of opinion that it has no jurisdiction to entertain the suit it shall return the plaint to the petitioner to be presented to the proper court.

Resjudicata and pending suits and cases.

197. (1) No Nyaya Panchayat shall try any suit or issue in respect of any matter which is pending for decision in, or has been heard or decided by any competent Court, in a former suit between the same parties under whom they or any of them claim.

(2) Where a case is pending in any Court against an accused person in respect of any offence or where an accused person has been tried for any offence, no Nyaya Panchayat shall take cognizance of any such offence or on the same facts, of any other offence of which the accused might have been charged or convicted.

Concurrent jurisdiction.

198. Where a case or suit is maintainable in more than one Nyaya Panchayat, the plaintiff or the complainant, as the case may be, may bring the case or suit in any one of the Nyaya Panchayats. Any dispute regarding jurisdiction shall be decided by the Munsiff-Magistrate having jurisdiction.

Instituiton of suits and cases.

199. (1) Any person who wishes to institute a case, suit or proceedings under this Act before a Nyaya Panchayat may make an appication orally or in writing to the Pradhan of the Nyaya Panchayat, in case of his absence to the Upa-Pradhan or in the absence of both to such other Nyaya Panch as the Pradhan may have appointed in this behalf and shall at the same time pay the prescribed fee. In every suit the plaintiff shall state its value.

(2) Where a case, suit or proceedings is instituted orally the Pradhan, Upa-Pradhan or the Nyaya Panch, as the case may be, receiving the application shall record without delay the prsceribed particulars and the signature or thumb impression of the applicant shall be taken thereon.

(3) The Pradhan or in his absence the Upa-Pradhan or in the absence of both the Nyaya Panch mentioned in sub-section (1), shall thereupon call a sitting of the Nyaya Panchayat or appoint a bench for disposal and shall also fix a date for the first hearing of the application before such bench and give notice of the said date to the applicant and to the members of the bench.

Summons to be issued to the defendant or accused.

200. The Nyaya Panchayat after hearing the application shall cause a written summons in the prescribed form to be issued and served on the defendant or the accused, as the case may be, requiring him to attend and produce his evidence on such date, and at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant to attend and produce his evidence on such date and at such time and place :

Provided that the Nyaya Panchayat may, for reasons to be recorded after hearing the application and examining the plaintiff or complainant, refuse a summons and dismiss the suit or the case.

Disposal of suits and cases in absence of party.

201. (1) If the plaintiff or the complainant fails to appear after having been informed of the time and place fixed for hearing, the Nyaya Panchayat may dismiss the case, suit or proceedings or pass such order as it may deem fit.

(2) If the defendant fails to appear and the Nyaya Panchayat is satisfied that he has received notice of the date fixed for hearing, it may decide the suit **ex parte.**

(3) If the accused fails to appear or cannot be found, the Nyaya Panchayat shall report the fact to the Munsiff-Magistrate, who would have had jurisdiction to try the offence but for the provisions of this Act, who may issue a warrant for the arrest of the accused, and after arrest, may forward him for trial to the Nyaya Panchayat or release him on bail to appear before it.

(4) The Nyaya Panchayat shall, if possible, try the case on the day on which the accused appears or is brought before it, but if that is not not possible the Nyaya Panchayat shall release him on executing a bond for a sum not exceeding twenty-five rupees to appear before it on any subsequent day to which the trial may be adjourned.

Nyaya Panchayat not to revise or alter its decision.

202. (1) Except as provided in sub-section (2) or to correct a clerical error, a Nyaya Panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) A Nyaya Panchayat may, for sufficient reasons to be recorded, on application made within one month of the date of decree or order or knowledge thereof, in case personal service of summons has not been effected, restore any suit or proceedings which has been dismissed in default or in which a decree or order has been passed **ex parte.**

Power to determine parties.

203. The Nyaya Panchayat shall add as parties to a suit any person whose presence as parties it considers necessary for a proper decision thereof and shall enter the names of such parties in the register of suits and the suit shall be tried as between the parties whose names are entered in the said register :

Provided that a notice shall be given to the person aforesaid who shall be given an opportunity of being heard before he is impleaded as a party.

(2) In all cases where a new party appears under sub-section (1) during the trial of a suit he may require that the trial shall begin **de novo**...

No legal practitioner to appear.

204. No legal practitioner shall appear, plead or act on behalf of any party in any suit or case before a Nyaya Panchayat.

Appearance in person or by representative.

205. Subject to the provisions of section 201, any party to a suit or case may appear before a Nyaya Panchayat either in person or by such servant (not being a tout), partner, relation or friend authorised by him as the Nyaya Panchayat may admit as a fit person to represent him :

Provided that such representative shall not be a legal practitioner or his clerk.

Compromise of suits and compounding of offences.

206. (1) Where it is proved to its satisfaction that a suit has been adjusted wholly or in part by oath or by any lawful agreement, compromise or satisfaction, the Nyaya Panchayat shall order such agreement, compromise or satisfaction to be recorded and shall pass a decree in accordance therewith so far as it relates to the suit.

(2) The Nyaya Panchayat may permit any case to be compounded :

Provided that when a Nyaya Panchayat does not pass a decree in accordance with the agreement, compromise or satisfaction under sub-section (1) or does not permit a case to be compounded under sub-section (2), it shall record its reasons.

Procedure and power to ascertain truth.

207. The Nyaya Panchayat shall receive evidence in a case, suit or proceedings as the parties may adduce and may call for such further evidence as, in their opinion, may be necessary for the determination of the points in issue. It shall be the duty of the Nyaya Panchayat to ascertain the facts of every case, suit or proceedings before it by every lawful means in its powers and make local investigation in the village to which it relates and thereafter to make such decree or order with or without costs as it may seem just and legal. Such decree or order shall state the finding and a brief statement of the reasons thereof. The Code of Civil Procedure, 1908 (V of 1908), the Code of Criminal Procedure 1898 (V of 1898), and the Indian Evidence Act, 1872, shall not apply to any case, suit or proceedings pending in a Nyaya Panchayat.

Majority to prevail.

208. In the event of any disagreement between the Nyaya Panchas the opinion of the majority shall prevail.

Issue of summons to witnesses.

209. (1) A Nyaya Panchayat may, if it considers the evidence of, or production of a document by, any person necessary in a case, suit or proceedings issue and cause to be served in the prescribed manner a summons

on such person to compel his attendance or to produce or cause the production of such document and such person shall be bound to comply with the directions contained in the summons.

(2) If any person, who is summoned by a Nyaya Panchayat by a written order to appear to give evidence or to produce any document before it, wilfully disobeys such summons or notice or order, the Nyaya Panchayat may make a complaint to the magistrate having jurisdiction and the said person shall be punishable with a fine which may extend to twenty-five rupees:

Provided that no woman shall be compelled to appear in person before the Nyaya Panchayat; she may however be examined on commission in the manner prescribed:

Provided further that if a document is produced in obedience to a summons, issued under this section, the Nyaya Panchayat shall cause the document to be copied, and copies to be marked, after comparing with the original, to be true copies and return the original document to the person producing the same.

Pending cases before Nyaya Panchayat at the expiry of the term of office.

210. A Nyaya Panchayat newly constituted on the expiry of the term of office of the outgoing Nyaya Panchayat shall hear and dispose of all suits, cases and proceedings pending before the latter on the date of expiry of such term:

Provided that the hearing of such suits, cases and proceedings shall commence afresh before the Nyaya Panchayat newly constituted, as if such suits, cases and proceedings were instituted before it.

Revision.

211. (1) (a) There shall be no appeal by a convicted person in any case tried by a Nyaya Panchayat.

(b) The decision of a Nyaya Panchayat in every suit or proceedings shall be final as between the parties to the suit or proceedings, as the case may be.

(2) The Munsiff-Magistrate or the Deputy Collector, as the case may be, may for the purpose of satisfying himself as to the correctness, legality or propriety of an order passed by the Nyaya Panchayat, in exercise of any power or authority conferred by or under this Act in any case, suit or proceedings, call for and examine the record of

any case, suit or procedings, as the case may be, pending before or disposed of, by the Nyaya Panchayat and may pass such order with reference thereto as he thinks fit:

Provided that no order shall be reversed unless notice has been given to the parties interested to appear and be heard.

Death of parties.

212. If the Plaintiff or defendent in any suit dies before it has been decided, the suit may be proceeded with at the instance of, or against the legal representatives of the deceased plaintiff or defendant, as the case may be.

Instalments and interest.

213. (1) A Nyaya Panchayat in ordering the payment of a sum of money or the delivery of any movable property may direct that the money be paid or the movable property be delivered by instalments.

(2) Where the decree is for payment of money, the Nyaya Panchayat may, in the decree, order interest at a rate not exceeding six per cent per annum.

Costs.

214. Subject to such conditions and limitations as may be prescribed and to porvisions of any law for the time being in force the cost of and incident to all suits shall be in the discretion of the Nyaya Panchayat which shall have full power to determine by whom and to what extent such costs are to be paid to give all necessary directions for the purposes aforesaid.

Payment of adjustment of decree to be recorded.

215. If on the application of the decree-holder or the judgment debtor the Nyaya Panchayat which passed the decree finds after enquiry that the decree has been satisfied wholly or in part, the Nyaya Panchayat shall record the fact in a prescribed register.

Execution of decrees.

216. (1) A decree or order passed by a Nyaya Panchayat shall be executed by it in such manner as may be prescribed. If the defendant's property is situated outside the jurisdiction of the Nyaya Panchayat, it may transfer the decree or order for execution in the prescribed manner to the Court of Munsiff-Magistrate within whose jurisdiction it is situated.

(2) If a Nyaya Panchayat finds any difficulty in executing a decree, it may forward the decree to the Munsiff-Magistrate who shall then execute the decree as if it were a decree passed by him.

Recovery of fines.

217. Fine imposed in a case by a Nyaya Panchayat shall be recoverable in the manner provided in section 386 of the Code of Criminal Procedure 1898, (Vof 1898) but if the Nyaya Panchayat finds any difficulty in its recovery it may request the Munsiff-Magistrate, within whose jurisdiction the Nyaya Panchayat lies, to recover it and he shall recover it as if the sentence of fine had been passed by him.

Inspection.

218. (1) The District and Session Judge, within whose jurisdiction the Nyaya Panchayat is situated shall have power, at all times, to inspect the proceedings and the records of a Nyaya Panchayat relating to suits and cases.

(2) The Collector shall have power, at all times, to inspect the records relating to the revenue proceedings.

Withdrawl of powers of Nyaya Panchayat.

219. (1) The Government may, by a notification in the Official Gazette, withdraw from a Nyaya Panchayat the power to take cognizance of all or any of the offences or suits mentioned in this chapter, if in the opinion of the Government, such Nyaya Panchayat has been incompetent in exercise of, or has been guilty of the abuse of, or is otherwise unsuitable for exercising the same powers.

(2) On issue of the notification under sub-section (1) withdrawing the power to take cognizance of all offences or suits mentioned in this chapter the Nyaya Panchayat shall be deemed to have been dissolved and all members of the Nyaya Panchayat shall vacate office as from the date of such notification.

(3) All pending cases, suits and proceedings for exetion of decrees and recovery of fines and compensation shall be transferred to the Munsiff-Magistrate and all pending revenue proceedings shall be transferred to the competent revenue officer, who would have had jurisdiction to try the case, suit or proceedings, if the Nyaya Panchayat had not been constituted and such Munsiff-Magistrate or the Revenue Officer shall deal with the proceedings as if the case, suit or proceedings out of which it arose had been heard and decided by him.

CHAPTER XII.

Supplemental.

Power of Gram Panchayat to delegate its powers.

220. (1) The Gram Panchayat may delegate any of its powers under this Act or the rules made thereunder to the Sarpanch, Karbhari or any other officer or servant of the Gram Panchayat.

(2) The Gram Panchayat shall have the power at any time to rescind, modify or withdraw the powers so delegated.

Cattle pounds to vest in Gram Panchayats.

221. Notwithstanding anything contained in section 209 of the Hyderabad District Boards Act, 1955 (I of 1956), the powers vested in the District Board shall, in respect of the cattle pounds constructed, maintained or managed by the said Board and situated within the village vest in the Gram Panchayat.

Conversion of a Town Committee into a Gram Panchayt.

222. (1)Notwithstanding anything contained in the Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951) or in this Act, the Government may, by notification published in the Official Gazettee, declare that a Town declared to be a Town Municipality under section 4 of the Hyderabad Municipal and Town Committees Act, 1951, shall, with effect from the date specified therein, cease to be a Town Municipality and be deemed to be a village for the purposes of this Act.

(2) On issue of the notification under sub-section (1) following consequences shall ensue namely :—

(a) the Town Committee of such town (hereinafter refered to as the Committee) shall cease to exist or to function ;

(b) there shall be constituted for the village an interim Gram Panchayat consisting of persons vacating office as members of the Committee and the President and Vice-President of the Committee shall, respectively, be deemed to be the Sarpanch and Upa-Sarpanch of the interim Gram Panchayat ;

(c) the unexpended balance of the municipal fund and property including arrears of rates, taxes and fees belonging to the Committee and all rights and powers which, prior to such notification, vested in the Committee shall, subject to all charges and liabilities affecting the same, vest in the Gram Panchayat as the Panchayat fund until the new Gram Panchayat is constituted in

pursuance of the Provisions of sub-section (1) of Section 223 ;

(d) any appointment, notification, notice, tax, order, scheme, license, permission, rule, bye-law or form made, issued, imposed or granted under the Hyderabad Municipal and Town Committees Act, 1951, immediately before the said date in respect of such town shall continue in force and be deemed to have been made, issued, imposed or granted in respect of the village until it is superseded or modified by any appointment, notification, notice, tax, order, scheme, license, permission, rule, by-law or form made, issued, imposed or granted under this Act;

(e) all budget estimates, assessments, assessment lists, valuations or measurements made or authenticated under the Hyderabad Municipal and Town Committees Act, 1951, immediately before the said date in respect of such local area shall be deemed to have been made or authenticated under this Act;

(f) all debts and obligations incurred and all contracts made by or on behalf of the Committee immediately before the said date and subsisting on the said date shall be deemed to have been incurred and made by the Gram Panchayat in exercise of the powers conferred on it by this Act;

(g) all officers and servants in the employ of the Committee immediately before the said date shall be deemed to be officers and servants of the Gram Panchayat under this Act and shall, until other provision is made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service to which they were entitled or subject to on such date:

Provided that, it shall be competent to the Gram Panchayat, subject however, to the previous sanction of Government, to discontinue the services of any officer or servant who, in its opinion, is not necessary or suitable to the requirements of the Gram Panchayat Service, after giving such officer or servant such notice as is required to be given by the terms of his employment and every officer or servant whose services are discontinued, shall be entitled to such leave, pension, provident fund and gratuity as he would have been entitled to take or receive on being invalided out of service as if the Committee in the employ of which he was, had not ceased to exist ;

(h) all proceedings pending at the said date before the Committee shall be deemed to be transferred to and continued by the Gram Panchayat;

(i) all prosecutions instituted by or on behalf of the Committee and all suits or other legal proceedings instituted by or against such Committee or any officer of such Committee pending at the said date shall be continued by or against the Gram Panchayat as if such local area had been included in the village when such prosecutions, suits or proceedings were instituted.

Term of office of members of interim Gram Panchayt and their powers.

223. (1) The Collector shall, within a period not exceeding one year from the date on which the interim Gram Panchayat has been constituted, take steps to hold election for a new Gram Panchayat.

(2) The members of the interim Gram Panchayat shall hold office until the date immediately preceding the date of the first meeting of the new Gram Panchayat.

(3) During the period for which the members of the interim Gram Panchayat shall be in office as provided in sub-section (2) no Nyaya Panchayt shall be constituted for the village.

(4) All arrears of rates, taxes and fees vesting in the interim Gram Panchayt shall be recoverable under the provisions of this Act as if the rates, taxes and fees were imposed and recoverable under this Act:

Provided that steps to recover arears of taxes and fees shall be taken within a period of three years from the date on which they vest in the interim Gram Panchayat.

(5) In other respects the provisions of this Act shall **mutatis mutandis** apply to the interim Gram Panchayat and its members.

(6) If any difficulty arises,

(i) in the constitution of the interim Gram Panchayat or the new Gram Panchayat which succeeds it, or

(ii) in giving effect to the provisions of this section or section 222, the Government may by order, as occasion may require, do, notwithstanding anything contained in this Act or the Hyderabad Municipal and Town Committees Act, 1951, anything which appears to it to be necessary to remove the difficulty.

Conversion of Village Panchayat into Town Municpality.

224. (1) Notwithstanding anything contained in in this Act, when any village ceases to be a village by virtue of a notification under section 3 and is declared to be a Town Municipality under section 4 of the Hyderabad Municipal and Town Committees Act, 1951, the following consequences shall ensue namely :—

(a) the Gram Panchayat constituted for such village shall cease to exist or to function ;

(b) all Panchas of the said Gram Panchayat shall vacate office :

(c) till a Committee is constituted under the Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951), an Ad-hoc Committee consisting of officials and no-officials shall be constituted by the Government in the manner prescribed ; such Ad-hoc Committee shall perform and exercise powers to the extent as the Government may determine ;

(d) the Nyaya Panchayat established for the said village shall cease to exist and all the pending suits, cases and proceedings shall be transferred to the concerned Munsiff-Magistrate or the Deputy Collector, as the case may be.

(2) If any difficulty arsies in giving effect to the provisions of this section Government may by order, as occasion may require, do, notwithstanding any thing contained in this Act or the Hyderabad Municipal and Town Committees Act, 1951, anything which appears to it to be necessary to remove the difficulty.

Repeal and Savings.

225. The Hyderabad Village Panchayat Act, 1951 (VIII of 1951), is hereby repealed :

Provided that—

(a) any Panchayat constituted under the enactment so repealed (hereinafter referred to in this section as the said Panchayat) shall be deemed to have been constituted under this Act and the Panchas of the said Panchayat shall continue to hold office till the unexpired term of office under section 25 of this Act ;

(b) any appointment, notification, notice, tax, order, delegation, instruction, direction, scheme, license, permission, permit, certificate, rule or from made, published, issued, imposed or granted or deemed to have been made, issued, given, published, imposed or granted under the said enactment and still in force shall, so far as it is not inconsistent with this Act, be

deemed to have been respectively made, published, issued, given, imposed and granted under this Act;

(c) any tax or fee levied or collected or purporting to have been levied or collected under the said enactment shall, notwithstanding any defect in or there being no specific provisions in the said enactment relating to the levy or collection of such tax or fees be deemed always to have been validly levied or collected as if this Act were in force on the date on which such tax or fee was levied or collected;

(d) any right, privilege, obligation or liability acquired, accrued or entered under the said Act, shall be deemed to have been acquired, accrued or entered under this Act;

(e) any investigation, legal proceedings or remedy in respect of any such right, privilege, liability, penalty, forfeiture or punishment as aforesaid may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Act had not been passed; and

(f) all references made in any Act to any of the said enactment shall be read as if made to this Act or to the corresponding portion thereof.

SCHEDULE 'A'.

(See Section 68).

Murder, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, roberry, theft, mischief by fire, house-breaking, counterfeiting currency notes, coins or stamps, possessing instruments or materials for the purposes of such counterfeiting, causing grievous hurt, riot, administering stupefying drugs, kidnapping, personating public servants, manufacturing, selling or possessing arms without a license and going armed without a license, and all attempts, preparations and conspiracies to commit and abetments of the said offences.

SCHEDULE 'B'.

Notice of Demand.

(See Section 95).

To:

.....

residing at.....

Take notice that a sum of Rs..... .... is due by you to the Village Panchayat..... on account of..... for the period..... and that, if within fifteen days from the service of this notice, the said sum is not paid into the Panchayat Office..... sufficient cause for non-payment of the sum is not shown to the satisfaction either to the Sarpanch or the Karbhari a warrant of distress will be issued for the recovery of the same with costs.

Dated:.....

Sarpanch
or
Executing Officer.

——:o:——

SCHEDULE 'C'.

Form of Warrant.

(See Section 96).

To :

.....

(here insert the name of the officer charged with the execution of the warrant).

Whereas.....

(here give the name of the defaulter)

.....has not paid, or shown satisfactory cause for the non-payment of the sum of Rs.....due on account of the tax mentioned in the margin for the period commencing from .....and ending on.....and whereas fifteen days have elapsed since the service on him of the notice of demand for the same.

This is to command you to distrain, subject to the provisions of sections 94 to 100 of the Hyderabad Gram Panchayts Act, 1956, the goods and chattels of the said..... to the amount of Rs.....being the amount due from him as follows:—

	Rs.	a.	p.
on account of the said tax.....			
for issue of warrant and such further sum as may be sufficient to defray the cost of recovering the said amount.....			

and forthwith to certify to me, together with this warrant, all particulars of the goods seized by you thereunder.

Dated:.....

Sarpanch.

SCHEDULE 'D'.

Form of Inventory and Notice.

[*See Section 98 (c)*].

To.

.....

residing at.....

Take notice that I have this day distrained goods and chattels as mentioned below for the value of Rs.....due for the tax mentioned in the margin for the period commencing from..... .....and ending on.....together with Rs..... due for the service of notice of demand and Rs.....due for the issue of warrant and that if, within five days from the date of this notice, you do not pay into the Panchayat Office..... .....the said amount together with the costs of recovery, the said goods and chattles will be sold.

Dated:.....

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——:o:——

THE HYDERABAD DISTRICT MUNICIPALITIES ACT, 1956.

No. XVIII of 1956.

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SCHEDULES.

THE HYDERABAD DISTRICT MUNICIPALITIES ACT, 1956.

Act XVIII of 1956.

(Received the assent of the President on 9th August, 1956; assent first published in the Hyderabad Gazette Extraordinary on the 11th August, 1956).

An Act to re-enact law relating to City and Town Municipalities in the State of Hyderabad.

WHEREAS it is expedient to re-enact the law relating to City and Town Municipalities ; Preamble.

BE it enacted in the Seventh Year of our Republic as follows :—

CHAPTER I.

Preliminary.

1. (1) This Act may be called the Hyderabad District Municipalities Act, 1956.

(2) It extends to the whole of the State of Hyderabad except areas legally included within the jurisdiction of Corporations constituted under the Hyderabad Municipal Corporations Act, 1956 (II of 1956) or of any Mines Board of Health or Cantonment, but the Government may extend any or all of the provisions of this Act by a general or special order to any area under the jurisdiction of a Mines Board of Health :

Provided that in so extending any of the provisions of the Act the Government may vary them in such manner as, consistently with the general principles of this Act, it may deem necessary in view of the constitution and special circumstances of Mines Board of Health.

(3) It shall come into force on the date of its publication in the Official Gazette.

2. In this Act unless there is anything repugnant in the subject or context— Definitions.

(1) 'building' includes a house, out-house, stable, latrine, godown, shed, hut, wall, fencing, platform and any other structure whether of masonary, bricks, wood, mud, metal or of any other material whatsoever ;

(2) 'building line' means a line which is in the rear of the street alignment and to which the main wall of a building abutting on a street may lawfully extend ;

(3) 'business' includes any trade, commerce or mafacture or an adventure or concern in the nature of trade commerce or manufacture ;

(4) 'collector' means the Collector of the Revenue District ;

(5) 'committee' means a Municipal or Town Committee established or deemed to be established under this Act:

Provided that for the purposes of any section of this Act which may be extended to a mining area, the Board or other authority established by or under any law to administer such area shall be deemed to be a Committee for the purposes of this Act and such area shall be deemed to be a Municipality for the said purpose.

(6) 'company' means a company as defined in the Indian Companies Act, 1913 (VII of 1913) or formed in pursuance of an Act of Parliament or of an Act of the Legislature of a State and includes any firm or association carrying on business in the State of Hyderabad whether incorporated, or its principal place of business is situate therein, or not ;

(7) 'drain' includes a sewer, tunnel, pipe, ditch, gutter or channel and any cistern, flush, tank, septic tank or other device for carrying off or treating sewage, offensive matter, polluted water, sullage, waste water, rain water or sub-soil water and any culvert, ventilation shaft or pipe or other appliance or fitting connected therewith, and any ejector, compressed air main, sealed sewage main and special machinery or apparatus for raising, collecting, expelling or removing sewage or offensive matter from any place ;

(8) 'drug' means any substance used as medicine whether for internal or external use or any substance used in the composition or preparation of such medicine ;

(9) 'erection or re-erection of any building' includes.—

(i) any material alteration or enlargement of any building ;

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation ;

(iii) the conversion of one or more places of human habitation into a greater number of such places ;

(iv) the convertion of two or more places of human habitation into a lesser number of such places;

(v) such alteration of a building as would effect a change in its drainage or sanitary arrangements or materially effect its security;

(vi) the addition of any rooms, buildings, outhouses or other structures to any building;

(vii) the conversion by any structural alteration into a place of religious worship or into a sacred building, any place or building not originally meant or constructed for such purpose ;

(viii) roofing or covering on open space between walls or buildings, as regards the structure which is formed by roofing or covering such space ;

(ix) conversion into a stall, shop, warehouse or godown of any building not originally constructed for use as such or **vice versa ;**

(x) construction on a wall adjoining any street or land not vested in the owner of the wall, a door opening on such street or land ;

(l) 'executive officer' means as officer appointed under section 71 or if no Executive Officer is so appointed, the President ;

(11) 'factory' means a factory as defined in the Factories Act, 1948 (LXIII of 1948) and includes any premises as also its precincts wherein an industrial, manufacturing or trade process is carried with the aid of steam, water, oil, gas, electricity or any other, form of power which is mechanically transmitted and is not generated by human or animal agency ;

(12) filth means—

(i) night soil and other contents of latrines, cesspools and drains ;

(ii) dung, dirt, refuse, useless or offensive material thrown out in consequence of any process of manufacture, industry or trade ; and

(iii) purid and putrifying substances ;

(13) 'financial year' means the year begining on the first day of April or such other date as the Government may by notification appoint ;

(14) 'health officer' means the Health Officer of the Committee, and if there is no such officer, the Health Officer of the District ;

(15) 'hut' means any **building** which is constructed principally of wood, mud, leaves, grass, cloth or thatches and includes any temporary structure of whatever size or materials which the Committee may for the purposes of this Act declare to be a hut ;

(16) 'infectious disease' means cerebrospinal fever, chickenpox, cholera, diptheria, enteric fever, epidemic influenza, leprosy, measles, plague, arabis, scarlet fever, small-pox, tuberculosis, typhus, yaws or any other disease which the Government may by notification declare to be prevalent either generally throughout the State or in such part or parts thereof as may be specified in the notification ;

(17) 'inhabitant' includes any person ordinarily residing or carrying on business or occupying immovable property within the municipality;

(18) 'latrine' includes privy, water-closet and urinal;

(19) 'local authority' includes a Municipal Corporation, Municipal and Town Committee, District Board and Cantonment Board ;

(20) 'market' means a place for the sale of goods or animals publicly exposed, where ordinarily or periodically at least four shops, stalls or sheds are set up or where at least twenty-five animals are brought for sale ;

(21) 'member' means a member of the Committe;

(22) 'minister' means the Minister in Charge of the Local Government Department ;

(23) 'municipality' means a City Municipality or Town Municipality established or deemed to be established under this Act;

(24) 'nuisance' includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or of the people in general who dwell in the vicinity or of persons who may have occasion to use any public right ;

(25) 'occupier' includes—

(a) any person who for the time being is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable ;

(b) a rent-free tenant ;

(c) licensee in occupation of any land or building, and

(d) any person who is liable to pay to the owner damages for the use and occupation of any land or building;

(26) "octroi" means a cess levied on goods at the time of their entry into the limits of a Municipality for purposes of consumption, use or sale therein;

(27) 'offensive matter' includes—

(i) filth,

(ii) sewage.

(iii) dirt, house-sweeping, spitting including chewed betel and tobacco, kitchen or stable refuse, pieces of broken glass or pottery, debris and waste paper;

(28) 'offensive trade' means any trade, business or industry in which the substances dealt with are likely to become a nuisance;

(29) 'owner' means—

(a) when used with reference to any premises, the person who receives, the rent of the said premises, or who would be entitled to receive the rent thereof if the premises were let and includes—

(i) an agent or trustee who receives such rent on account of the owner;

(ii) an agent or trustee who receives the rent of, or is entrusted with, or concerned for, any premises devoted to religious, charitable or educational purposes;

(iii) a receiver, sequestrator or manager appointed by any court of competent jurisdiction to have the charge of or to exercise the rights of an owner of the said premises; and

(iv) a mortgagee-in-possession; and

(b) when used with reference to any animal, vehicle or boat includes the person for the time being incharge of the animal, vehicle or boat;

(30) 'prescribed' means prescribed by rules made under this Act;

(31) 'president' means the President of the Committee;

(32) 'private market means a market other than a public market;

(33) 'public market' means any market belonging to a Committee or acquired, constructed, maintained or managed by the Committee ;

(34) 'public place' includes any park or garden ground or any other place to which the public have or are permitted to have access ;

(35) 'public street' means any street over which the public have a right of way, whether a thoroughfare or not and includes :—

(a) a broadway over or a footway attached to any public bridge or causeway, and

(b) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway upto the boundaries of the adjacent property, whether that property is private property or belonging to Government ;

(36) 'secretary' means the Secretary of the Local Government Department ;

(37) 'sewage' means night soil other contents of water closets, latrines, privies, urinals, cesspools or drains and polluted water from sinks, bathrooms, stables, cattle-sheds and other like places and includes trade effluent and discharges from manufactories of all kinds ;

(38) 'street' includes any highway, and any causeway, bridge, viaduct, arch road, land, foot-way, subway, court, alley or riding path or passage, whether a thoroughfare or not; and, when there is a footway as well as a carriage way in any street, the said term includes both ;

(39) 'schedule' means the schedule annexed to this Act ;

(40) 'street-alignment means a line dividing the lands comprised in and forming part of a street from the adjoining land ;

(41) 'tax' includes any toll, rate, cess, fee or other impost leviable under this Act ;

(42) 'vehicle' includes a carriage, cart, van, dray, truck, hand-cart, bicycle, tricycle, cycle-reickshaw, motor-cycle, auto-rickshaw, motor-car and every wheeled conveyance which is used or is capable of being used on a street.

CHAPTER II.

Constitution of Municipalities.

City and Town Municipalities.

Notification of areas as City Municipalities and Town Municipalities.

3. The Government shall by notification, declare every town which at the last official census had a population of 15,000 or more to be a City Municipality, and every other town, which at the last official census had a population of more than 5,000 and less than 15,000 to be a Town Municipality:

Provided that no Cantonment or part thereof shall be compromised in any such Municipality:

Provided also that where the Governmnet in its discretion considers that special circumstances exist which render it desirable that an area although it has not the population specified above should be constituted as City Municipality or Town Municipality, the Govt. may notify such area as a City or Town Municipality.

(2) Every notification issued under sub-section (1) shall define the limits of the town to which it relates and shall specify the name of the Municipality as the City or Town Municipality of the Town for which it has been constituted.

Power to include or exclude areas in or from Municipalities; and the effects thereon.

4. (1) The Government may, after consulting the Committee by notification in the Official Gazette—

(a) include within a Municipality any local area adjacent thereto;

(b) exclude from a Municipality any local area comprised therein.

(2) Every such notification shall define the limits of the local area to which it relates.

(3) When a local area is included in a Municipality, this Act and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act, shall apply to the said area from the date of publication of the notification under sub-section (1).

(4) When a local area is excluded from a Municipality,

(i) this Act and all notifications, rules, bye-laws, orders, directions and powers issued, made or conferred under this Act shall cease to apply to the said area from the date of publication of the notification under sub-section (1),

(ii) the Government shall after consulting the Committee frame a scheme determining what portion of the balance of the municipal fund and all other property vested in the Committee shall vest in the Government for the benefit of the inhabitant of the local area, and how the liabilities of the Committee shall be apportioned between the Committee and the Government; and on the final publication of such scheme in the official Gazette such property and liabilities shall vest and be appointed acordingly,

(iii) while framing a scheme under sub-clause (ii) the Government shall direct that the area so excluded shall be included within the limits of a local authority and that the Municipal fund and all other property so apportioned shall be placed at the disposal of the said local authority to be utilised for the promotion of sefety, health, welfare, or convenience of the inhabitants of the said area.

Committees.

Formation of Committee.

5. (1) There shall be established for each City Municipality a Municipal Committee having authority over the City Municipality and for each Town Municipality a Town Committee having authority over the Town Municipality.

(2) Such Committee shall come into existence on such date as the Government may notify in this behalf.

Committee to be deemed as a corporate body.

6. Every Committee shall be a body corporate known by the name specified in the notification issued under section 4 and shall have perpetual succession and a common seal and may by such name sue and be sued.

Constitution of Municipal Committees.

7. (1) A Municipal Committee shall consist of such number of elected members as the Government shall, by notification in the official Gazette, declare for each Municipal Committee.

(2) The representation of each constituency in the Municipal Committee shall be on the basis of the population of that Constituency as ascertained in the last preceding census of which the relevant figures have been published and shall be on a scale of not more than one member for every fifteen hundred of the population :

Provided that the total number of members in the Municipal Committee shall in no case be more than thirty-four or less than seventeen.

(3) Of the members of a Municipal Committee there shall be reserved such number of seats for the Scheduled Castes and Scheduled Tribes, as shall bear, as nearly as may be, the same proportion to the total number of seats in a Municipal Committee as the population of the Scheduled Castes and Scheduled Tribes in the City Municipality bears to the total population of the City Municipality.

Explanation: In this Section Scheduled Castes and Scheduled Tribes shall have the same meaning as is assigned to the expressions in clauses 24 and 25, of Article 366 of the Constitution of India.

(4) The determination of seats reserved for the Scheduled Castes and Scheduled Tribes under sub-section (2) shall be made by Government by notification in the official Gazette.

Constitution of Town Committees.

8. (1) A Town Committee shall consist of such number of elected members, as the Government shall, by notification in the official Gazette, declare for each Town Committee.

(2) The representation of each constituency in the Town Committee shall be on the basis of population of that constituency as ascertained in the last preceding censes of which the relevant figures have been published and shall be on a scale of not more than one member for every five hundred of the population :

Provided that the total number of members in the Town Committee shall in no case be more than fifteen or less than ten.

(3) Of the members of a Town Committee there shall be reserved such number of seats for the Scheduled Castes and Scheduled Tribes as shall bear, as nearly as may be, the same proportion to the number of seats in a Town Committee as the population of the Scheduled Castes and Scheduled Tribes in the Town Municipality bears to the total population of the Town Municipality.

Explanation: In this section Scheduled Castes and Scheduled Tribes shall have the same meaning as is assigned to the expressions in clauses 24 and 25 of Article 366 of the Constitution of India.

(4) The determination of seats reserved for the Scheduled Castes and Scheduled Tribes under sub-section (3) shall be made by Government by notification in the official Gazette.

Election of members.

9. (1) For the purpose of holding elections to the Comimttee, the Collector shall, by notification in the official Gazette and in such other manner as he thinks fit, determine the constituencies—

(a) by dividing the Municipality into constituencies;

(b) in which the seats, if any, reserved for the Scheduled Castes and Scheduled Tribes shall be set apart:

Provided that no such determination shall be deemed to be final unless the Collector shall have by a like notification published his proposals to elicit public opinion in respect thereof and specified the date on or after which the proposals will be further considered and shall have considered the objections and suggestions if any, received by him before the date so specified.

(2) Each of the constituencies shall ordinarily return only one member except the constituencies referred to in clause (b) of sub-section (1) which shall, in addition to the member, for such non-reserved seat, return one more member for the reserved seat. The number of members for each of the constituncies shall be notified by the Collector.

(3) When issuing, under sub-section (1), a notification which materially alters the existing division of a municipality into constituencies, the Collector may direct that the alteration shall take effect from the date of the next ordinary elections.

(4) When the number of members to be returned by a constituency is altered or when a new constituency is formed or as existing constituency is abolished, the Collector shall determine—

(a) the Constituencies which each member then in the Committee shall be deemed to present;

(b) the constituency or constituencies in which election shall be held to fill up the vacancies, if any, in the Committee.

Qualification for registration in the list of voters.

10. (1) Subject to the provisions of section 11 every person who—

(a) has been ordinarily resident in a Municipality, and

(b) was not less than 21 years of age on the first day of March of the year for which list of voters is be-

ing prepared shall be entitled to be registered in the list of voters.

(2) Save as hereinafter provided a person shall be deemed to be ordinarily resident in a Municipality if he ordinarily resides in that Municipality or owns or is in possession of a dwelling house therein.

Explanation :—

(a) a person who is a patient in any establishment maintained wholly or mainly for the reception and treatment of persons suffering from mental illness or mental defectiveness or who is detained in prison or other legal custody at any place shall not by reasons thereof be deemed to be ordinarily residents therein.

(b) a member of the armed Forces of the Union shall be deemed to be ordinarily resident on any date in the Municipality in which but for his service in the armed forces he would have been ordinarily resident on that date.

Disqualification for registration in the list of voters.

11. (1) A person shall be disqualified for registration in the list of voters if he—

(a) is not a citizen of India,

(b) is of unsound mind and stands so declared by a competent Court, and

(c) is for the time being disqualified from voting under the provisions of this Act or of any other law relating to corrupt and illegal practices and other offences in connection with election.

(2) The name of any person who becomes so disqualified after registration shall forthwith be struck off the list of voters in which it is included.

Annual preparation of the list of voters.

12. There shall be prepared every year by the Collector in the manner prescribed, a list of voters for every constituency in which there shall be included the names of all the persons appearing to be entitled to be registered therein.

Period of operation of the list of voters.

13. (1) The list of voters first prepared under this Act and the rules made thereunder shall come into force immediately upon its final publication in the manner prescribed and shall remain in force until the 30th day of September next; and every list of voters subsequently prepared shall come into force on the 1st day of October of the year for which the list of voters is being prepared

and shall remain in force until the 30th day of September next following.

(2) If for any reason the list of voters for any constituency is, in any year, not finally published in the prescribed manner before the 1st day of October, then until the day on which it is so published the list of voters in force immediately before the said 1st day of October shall continue in force as the list of voters for that constituency.

Right to vote.

14. No person who is not, and except as expressly provided by this Act, every person who is, for the time being entered in the list of voters of a constituency shall be entitled to vote in that constituency.

Effect of possessing qualification in more than one constituency.

15. If a person possesses qualifications to vote in more than one constituency he shall, within the prescribed time, declare the constituency in which he proposes to vote and in the event of his failure to make such declaration within the prescribed time he shall be entitled to vote in only one constituency.

Elections when to be held.

16. (1) Every general election requisite for the purpose of this Act shall be held by the Collector in the manner prescribed within three months before the expiry of the term of office of the members of the Committee as specified in section 34.

(2) A casual vacancy in the office of a member of a Committee shall be filled at a by-election which shall be fixed by the Government to take place within three months after the occurrence of the vacancy:

Provided that no bye-election shall be held to fill a casual vacancy occurring within three months before the ordinary date of retirement of the members and that such constituency shall be filled at the next general election of the Committee.

Notification to call upon constituencies.

17. For the purpose of holding elections under this Act, the Government shall, by one or more notifications published in the Official Gazette, on such date or dates as may be recommended by the Collector, call upon all the constituencies to elect members in accordance with the provisions of this Act and of rules and orders made thereunder, before such date or dates as may be specified in the said notification or notifications :

Provided that for the purpose of holding elections under sub-section (1) of section 16, no such notification

shall be issued at any time earlier than four months before the expiry of the term of office of the members of the Committee as specified in section 34.

Returning Officer for each constituency.

18. For ach constituency there shall be a Returning Officer who shall be such officer as the Collector may, with the approval of the Government, designate or nominate :

Provided that nothing in this section shall prevent the Collector from designating or nominating the same officer to be Returning Officer for more than one constituency.

General duty of the Returning Officer.

19. It shall be the general duty of the Returning Officer at any election held under this Act to do all such acts and things as may be necessary for effectually conducting the election in the manner provided by this Act and the rules or orders made thereunder.

Appointment of dates for nominations, etc.

20. As soon as the notification calling upon a constituency to elect a member or members is issued under this Act, the Collector shall, by notification in the Official Gazette, appoint—

(a) the last date for making nominations, which shall be a date not later than the tenth day after the date of publication of the first mentioned notification, not earlier than the fourth day after the date of publication of the notification under this section ;

(b) the date for scrutiny of nominations which shall be a date not later than the third day after the last date for making nominations ;

(c) the last date for the withdrawal of candidatures which shall be be a date not earlier than the third day after the date for the scrutiny of nominations, and

(d) the date or dates on which a poll shall, if necessary be taken which or the first of which shall be a date not earlier than the twelveth day after the last date for the withdrawal of candidature.

Appeals from decisions of Returning Officer.

21. (1) An appeal shall lie to the District Judge of the district in which the municipality is situated as herein provided from any decision of a Returning Officer accepting or rejecting a nomination paper.

(2) Any candidate aggrieved by a decision of the Returning Officer accepting or rejecting a nomination paper may present an appeal therefrom to the District

Judge within a period of seven days from the date of publication of the list of validly nominated candidates :

Provided that such candidate has, not later than 3 0'clock in the afternoon of the day next following the said date, given the Returning Officer a notice in writing of his intention to appeal under this section.

(3) If one or more notices has or have been received in accordance with the proviso to sub-section (2), the Returning Officer shall, immediately after the expiry of the time mentioned in that proviso—

(a) publish the notices by affixing to his notice board one copy of each of the notices together with an intimation in the prescribed form that the hearing of the appeals, if any, presented in pursuance of these notices shall commence, before the District Judge on the tenth day after the date of such publication : and

(b) send to the District Judge a copy of each of the notices, the intimation referred to in clause (a) and the list of validly nominated candidates.

(4) The Returning Officer shall, on application made by or on behalf of a candidate, supply forthwith to the applicant a copy of the decision accepting or rejecting a nomination paper together with the statement of reasons, recorded by him.

(5) In every appeal under this section, the appellant shall join as respondents all the candidates (other than himself) whose nominations have been accepted by the Returning Officer.

(6) The intimation affixed to the notice board of the Returning Officer under clause (a) of sub-section (3) shall be deemed to be sufficient notice, both of the presentation of an appeal under this section and of the date on which the hearing thereof shall commence before the District Judge and it shall not be necessary to give any other notice to the appellants or the respondents and the appeal or appeals shall be deemed to have been fixed for peremptory hearing on the said date.

(7) Every appeal under this section shall be heard and decided **dien deim** and disposed of by the District Judge as expeditiously as possible, and his decision shall be communicated forthwith to the Returning Officer.

(8) Where one or more notices of intention to appeal has or have been given to the Returning Officer, but no appeal is presented within the period specified in the sub-

section (2), the District Judge shall immediately intimate that fact to the Returning Officer in the prescribed form.

(9) In every case where one or more notices of intention to appeal has or have been given to the Returning Officer, he shall, upon receipt of the communications of the District Judge referred to in sub-sections (7) and (8) republish by affixing to his notice board the list of validly nominated candidates after revising it, if necessary in conformity with the decisions of the District Judge.

(10) The decision of the District Judge on appeal under this section and subject only to such decision, the decision of the Returning Officer accepting or rejecting the nomination of a candidate shall be final and conclusive and shall not be called in question in any Court or Tribunal, including an Election Tribunal.

Corrupt practices.

22. (1) The following shall be deemed to be corrupt practices in connection with elections held under this Act :—

(i) bribery, that is to say, any gift, offer or promise by a candidate or his agent, or by any other person with the connivance of a candidate or his agent, or any gratification to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw from being, a candidate at an election ; or

(b) a voter to vote or refrain from voting at an election, or as a reward to—

(1) a person for having so stood or not stood, or for having withdrawn his candidature ; or

(2) a voter for having voted or refrained from voting.

Explanation.—For the purpose of this clause the term gratification is not restricted to pecuniary gratifications or gratifications estimable in money and includes all forms of entertainments and all forms of employment for reward ; but does not include the payment of any expenses **bona fide** incurred at, or for the purposes of, any election and duly entered in the return of election expenses.

(ii) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of a candidate or his agent, or of any other person with the connivance of the candidate or his agent, with the free exercise of any electoral right ;

Provided that—

(a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who—

(1) threatens any candidate, or any voter, or any person in whom a candidate or a voter is interested, with injury of any kind including social ostracism and ex-communication or expulsion from any caste or community; or

(2) induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered, an object of divine displeasure or spiritual censure shall be deemed to interfere, with the free exercise of the electoral right of such candidate or voter within the meaning of this clause,

(b) a declaration of public policy, or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not not be deemed to be interference within the meaning of this clause.

(iii) Procuring or abetting or attempting to procure by a candidate or his agent, or any other person with the connivance of a candidate or his agent, the appilcation by a person for a ballot paper in the name of any other person whether living or dead, or in a fictious name, or by a person for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency he is not entitled to vote.

(iv) Removal of a ballot paper from the Polling Station during polling hours by a candidate or his agent, or by any other person with the connivance of a candidate or his agent.

(v) Publication by a candidate or his agent, or by any other person with the connivance of the candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true in relation to the personal character or conduct of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(vi) Hiring or procuring, whether on payment or otherwise of any vehicles or vessel by a candidate or his agent or by any other person with connivance of a candidate or his agent for the conveyance of any voter (other than the candidate himself, the mem-

bers of his family or his agent) to or from any polling station or a place fixed for the poll :

Provided that the hiring of a vehicle or vessel by a voter or by several voters at their joint cost for purposes on conveying him or them to or from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause if the vehicle or vessel so hired is a vehicle or vessel not propelled by mechanical power :

Provided further that the use of any public transport vehicle or vessel or any tram car or railway carriage by any voter at his own cost for the purpose of going to or coming from such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.

(vii) incurring or authorising by a candidate or his agent of expenditure, or the employment of any person by a candidate or his agent, in contravention of this Act or of any rule made thereunder;

(viii) obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the connivance of a candidate or his agent, any assistance for the furtherance of the prospects of the candidate's election from any person, serving under the Government of India or the Government of Hyderabad other than the giving of vote by such person.

Explanation:—For the purpose of this clause—

(a) a person serving under the Government of India or the Government of Hyderabad shall not include a person who has been declared by the Central Government or, as the case may be, the State Government to be a person to whom the provisions of this clause shall not apply ;

(b) a person shall be deemed to assist in the furtherance of the prospects of a candidate's election if he acts as an electing agent or a polling agent or a counting agent of that candidate.

(2) The following shall also be deemed to be corrupt practices in connection with elections held under this Act :—

(i) any act specified in clauses (i) to (viii) of this section when done by a person who is not a candidate or his agent or a person acting with the connivance of a candidate or his agent.

(ii) the application by a person at an election for ballot paper in the name of any other person, whether living or dead, or in a fictitious name, or for a ballot paper in his own name when, by reason of the fact that he has already voted in the same or some other constituency, he is not entitled to vote.

(iii) the receipt of, or agreement to receive, any gratification whether as a motive or a reward—

(a) by a person for standing or not standing as, or withdrawing from being a candidate; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or for inducing or attempting to induce any voter to vote or refrain from voting or any candidate to withdraw his candidature.

(iv) the making of any return of election expenses which is false in any material particular, or the making of a declaration verifying any such return.

(v) the systematic appeal to vote or refrain from voting on grounds of caste, race, community or religion or the use of, or appeal to, religious and national symbols, such as, the national flag and the national emblem for the furtherance of the prospects of a candidate's election.

Illegal practices.

23. The following shall be deemed to be illegal practices for the purposes of this Act :—

(i) the incurring or authorisation by any person other than a candidate or his agent, of expenses on account of holding any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever, for the purpose of promoting or procuring the election of the candidate, unless he is authorised in writing to do so by the candidate.

Explanation.—Any such expenses as aforesaid incurred or authorised by any institution or organisation for the furtherance of the prospects of the election of a candidate supported by such institution or organisation shall not be deemed to be expenses incurred or authorised within the meaning of this clause.

(ii) the hiring, using or letting, as Committee Room or for the purpose of any meeting to which voters are admitted, of any building, room or other place where intoxicating liquor is sold to the public.

(iii) the issuing of any circular, placard or poster having a reference to the election which does not bear on its face the name and address of the printer and publisher thereof.

Election petition

24. (1) Subject to the provisions of section 21 no election held under this Act shall be called in question expect by an election petition which shall be presented in such manner as may be prescribed.

(2) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-clauses (i) and (ii) of sub-section (10) and sub-section (11) to the Election Tribunal by any candidate at such election or any voter within two months from but not earlier than, the date of election of the returned candidate, or if there are more than one returned candidate at the election and the dates of their election are different, the later of those two dates.

Parties to the petition.

(3) A petitioner shall join as respondents to his petition—

(a) where the petitioner claims a declaration under clause (b) of sub-section (5) all the contesting candidates other than the petitioner, and in any other case, all the returned candidates; and

(b) any other candidate against whom allegations of any corrupt or illegal practice are made in the petition.

Contents of petition.

(4) (i) An election petition:—

(a) shall contain a concise statement of the material facts on which the petitioner relies :

(b) shall set forth full particulars of any corrupt or illegal practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt or illegal practice and the date and place of the commission of each such practice ; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure 1908 (V of 1908), for the verification of pleading ;

(ii) any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

Relief that may be claimed by the petitioner.

(5) A petitioner may claim any one of the following declarations :—

(a) that the election of the returned candidate is void ;

(b) that the election of the returned candidate is void and that he himself or any other candidate has been duly elected ;

(c) that the elections as a whole is void.

(6) The Government shall appoint any person who is or has been or is eligible to be appointed Judge of the High Court as an Election Tribunal (hereinafter referred to as the Tribunal) for the trial of petitions in respect of an election under this Act. The Tribunal shall deal with such petitions and proceedings in connection there with in the prescribed manner.

Powers of the Tribunal.

(7) The Tribunal shall have the powers which are vested in a court under the Code of Civil Procedure, 1908 (V of 1908) when trying a suit, in respect of the following matters :—

(a) discovery and inspection ;

(b) enforcing the attendance of witnesses, and requiring the deposit of their expenses ;

(c) compelling the production of documents ;

(d) examining witnesses on oath ;

(e) granting adjournments ;

(f) reception of evidence taken on affidavit and

(g) issuing commissions for the examination of witnesses and may summon and examine **suo moto** any person whose evidence appears to it to be material ; and shall be deemed to be a civil court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898, (V of 1898).

Decision of the Tribunal.

(8) At the conclusion of the trial of an election petition, the Tribunal shall make an order—

(a) dismissing the election petition ; or

(b) declaring the election of the returned candidate to be void ; or

(c) declaring the election of the returned candidate to be void and the petitioner or any other candidate to have been duly elected ; or

(d) declaring the election to be wholly void.

Other Orders to be made by the Tribunal.

(9) (i) At the time of making an order under sub-section (8) the Tribunal shall also make an order—

(a) where any charge is made in the petition of any corrupt or illegal practice having been committed at the election, recording—

(i) a finding whether any corrupt or illegal practice has or has not been proved to have been committed by or with the connivance of any candidate or his agent at the election, and the nature of that corrupt or illegal practice; and

(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt or illegal practice and the nature of that practice, together with any such recommendations as the Tribunal may think proper to make for the exemption of any person from any disqualification which they may have incurred in this connection under section 25 and in respect of any disqualification arising out of failure to lodge return of election expenses with reference to clause (j) of sub-section (1) of section 27.

(b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid:

Provided that no person shall be named in the order under para (ii) of sub-clause (a), unless;

(a) he has been given notice to appear before the Tribunal and to show cause why he should not be so named; and

(b) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the Tribunal and has given evidence against him, of calling evidence in his defence and of being heard.

(ii) any order as to costs under sub-clause (b) of clause (i) may include a direction for the payment of costs to the Advocate General or Government Pleader or any other pleader attending the trial.

Grounds for declaring election to be to be void.

(10) (i) If the Tribunal is of opinion that the election has not been a free election by reason that bribery, undue influence or group intimidation has extensively

prevailed at the election the Tribunal shall declare the electiion as a whole to be void:

Provided that where at the election a candidate has been declared to be elected uncontested to fill a reserved seat and the Tribunal is of opinion that bribery, undue influence or group intimidation prevailed only in regard to the election to fill the remaining seat, the Tribunal shall declare to be void only the election of the returned candidate to fill that remaining seat.

Explanation :—In this section—

(a) the expression 'bribery' and 'undue influence' have the meaning given to them in section 22;

(b) the expression group intimidation means an interference or attempt at interference by a community, group or section with the free exercise by another community, group or section of the right to vote or refrain from voting by intimidation, coercion, social or economic boycott, threat of such boycott or other similar means.

(ii) Subject to the provisions of clause (iii), if the Tribunal is of opinion—

(a) that the election of a returned candidate has been procured or induced, or the result of the election has been materially affected, by any corrupt or illegal practice; or

(b) that any corrupt practice specified in section 22 has been committed by a returned candidate or his agent or by any other person with the connivance of a returned candidate or his agent; or

(c) that the result of the election has been materially affected by the reception of any vote which is void, or by any non-compliance with the provisions of the Constitution of Inida or of this Act or of any rules or orders made under this Act or of any other Act or rules relating to election, or by any mistake in the use of any prescribed form; or

(d) that on the date of his election a returned candidate was not qualified or was disqualified to be elected as a member under this Act, the Tribunal shall declare the election of the returned candidate to be void.

(iii) If in the opinion of the Tribunal a returned candidate has been guilty, by an agent other than his

election agent, of any corrupt practice specified in section 22, but the Tribunal is satisfied—

(a) that no such corrupt practice was committed at the election by the candidate or his election agent, and every such corrupt practice was committed contrary to the orders, and without the sanction or connivance of the candidate or his election agent;

(b) that all such corrupt practices were of a trivial and limited character or took the form of customary hospitality which did not affect the result of the election;

(c) that the candidate and his election agent took all reasonable means for preventing the commission of corrupt or illegal practice at the election; and

(d) that in all other respects the election was free from any corrupt or illegal practice on the part of the candidate or any of his agents,

then the Tribunal may decide that the election of the returned candidate is not void.

Grounds for which a candidate other than the returned candidate may be declared to have been elected.

(11) If any person who has lodged a petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the Tribunal is of opinion—

(a) that in fact the petitioner or such other candidate received a majority of the valid votes, or

(b) that but for the votes obtained by the returned candidate by corrupt or illegal practices, the petitioner or such other candidate would have obtained a majority of the valid votes, the Tribunal shall, after declaring the election of the returned candidate to be void, declare, the petitioner or such other candidate, as the case may be, to have been duly elected.

Procedure in case of an equality of votes.

(12) If during the trial of an election petition it appears that there is an equality of votes between candidates at the election and that the addition of a vote would entitle any of those candidates to be declared elected, then—

(a) any decision made by the Returning Officer under the provisions of this Act shall, in so far as it determines the question between those candidates, be effective also for the purposes of the petition; and

(b) In so far as that question is not determined by such a decision, the Tribunal shall decide between them by lot and proceed as if the one on whom the lot then falls had received an additional vote.

(13) The Tribunal shall send a copy of its orders made under sub-section (8) or (9), unless an appeal is preferred therefrom in which case a copy of the order of the High Court along with the records of the case to the Collector.

Appeal against orders of the Tribunal.

(14) An appeal from an order passed by the Tribunal under sub-sections (8) and (9) shall lie to the High Court and shall be heard by a bench consisting of not less than two judges:

Provided that no such appeal shall be heard by the High Court unless it is filed within thirty days from the date of the order of the Tribunal.

(15) Every order of the Tribunal made under this Act, unless an appeal is preferred therefrom to the High Court in which case the order of the High Court under sub-section (14) shall be final and conclusive and shall not be questioned in any Court of law.

(16) An order of the Tribunal under sub-section (8) or sub-section (9) shall take effect immediately after the expiry of the period of appeal, unless an appeal is preferred therefrom, in which case the order of the High Court shall take effect as soon as it is pronounced.

Disqualification arising out of corrupt and illegal practices.

25. (1) Any person who has been convicted for an offence punishable with imprisonment under section 171-E or 171-F of the Indian Penal Code, 1860, (XLV of 1860) shall for a period of four years from the date of such conviction be disqualified from voting at any election of the Committee.

(2) Any person who has been found guilty of any corrupt or illegal practice in elections held under this Act, or any other law for the time being in force, shall be disqualified from voting at an election of the Committee for a period of four or three years respectively from the date on which the person is found so guilty.

(3) If default is made in making the return of the election expenses of any candidate who has contested the election held under this Act or if such return is found either upon the trial of an election petition or by any court in a judicial proceedings, to be false in any material particular, the candidate shall be disqualified for voting at

an election of the Committee for a period of four years from the date by which the return was required to be lodged.

(4) Any disqualification under sub-sections (1),(2) and (3) may be removed by Government for reasons to be recorded by it in writing:

Provided that any removal of disqualification under this sub-section shall not qualify any person to vote or be restored to office as a member or to be elected as a member in any by-election held during the period for which, but for such disqualification, he would have continued as a member.

Qualification for being elected as a member.

26. (1) Subject to the provisions of this Act a person who is registered in the list of vaters of any constituency within a Municipality shall be qualified to be elected as a member for any of the constituencies of the Municipality.

(2) Any person who ceases to be a member shall, if qualified under sub-section (1) and not otherwise disqualified, be eligible for re-election as such.

Disqualification for being a member.

27. (1) Subject to the provisions of this Act a person shall be disqualified for being elected as a member of a Committee if such person at the date of election—

(a) is one who has been sentenced by any court to imprisonment for an offence involving moral turpitude and punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having been subsequently reversed or quashed:

Provided that on the expiry of such sentence the disqualification incurred under this clause shall cease;

(b) is of unsound mind as declared by a competent Court; a deaf-mute or a leper;

(c) holds any office or place of profit under the Government or under the Municipality or under any local authority;

(d) is an undischarged insolvent;

(e) holds any judicial office with jurisdiction within the limits of the Municipality;

(f) is employed as paid legal practitioner on behalf of the Municipality, or accepts employment as legal practitioner aginst the Municipality;

(g) having been a legal practitioner has been dismissed or is under suspension by order of the competent

court, the disqualifications in the latter case being operative during the period of suspension;

(h) subject to the provisions of sub-section (2) has directly or indirectly, by himself or his partner, or if he belongs to a Joint Hindu family by any member of such family any share or interest in any contract (except as a share-holder other than a Director in a company) or has employment with, by or on behalf of the Municipality;

(i) has been dismissed from the service of the Government, Municipality or any local authority for misconduct and has been declared by a competent authority to be not eligible for further employment in the public service:

(j) having contested the election under this Act as a candidate has failed to lodge a return of election expenses within the time and in the manner prescribed unless four years have elapsed from the date by which it ought to have been lodged or the Government have removed the disqualification;

(k) had been disqualified for voting under section 25, unless such period has elapsed for which he was disqualified for voting.

(2) A person shall not be deemed to have incurred disqualification under clause (h) of sub-section (1) by reason only of his—

(a) receiving pension from the Municipality,

(b) having any share or interest in—

(i) any lease, sale, exchange or purchase of land or any agreement for the same:

(ii) any agreement for the loan of money or any security for the payment of money only;

(iii) any newspaper in which any advertisement relating to the affairs of the Municipality is inserted;

(iv) any Joint Stock Company or any Society registered or deemed to be registered under the Hyderabad Co-operative Societies Act, 1952 (XVI of 1952), which shall contract with or be employed by the President or Executive Officer on behalf of the Municipality;

(v) the ocasional sale to the President or Executive Officer on behalf of the Municpality of any article in which he regularly trades, of a value not exceed-

ing in the aggregate in any financial year one thousand rupees ;

(vi) the ocasional letting out on hire to the Municipality or hiring from the Municipality of any article for an amount not exceeding in the aggregate in any one financial year five hundred rupees ;

(c) occupying as a tenant for the purpose of residence any premises belonging to the Municipality.

Disqualification for continuing as member.

28. (1) A member of a Committee shall cease to be a member if he—

(a) is or becomes subject to any of the disqualifications specified in section 27 ;

(b) ceases to reside in the Municipality ;

(c) fails to pay arrears of any kind due by him (otherwise than in a fiduciary capacity) to the Committee, within three months from date of service of a notice requiring payment thereof issued by the President or Executive Officer (which it shall be their duty to issue and cause to be served at the earliest convenient date) ;

(d) absents himself at more than three consecutive meetings of the Committee, unless leave, so to absent himself (which shall not exceed six months), had been granted by the Committee or absents himself for six consecutive months from meeting of the Committee :

Provided that no meeting from which a member absents himself shall be counted against him under this clausue, if the notice of that meeting was not given to him.

Explanation.—A meeting held upon request and a special meeting called under sub-section (2) of section 46 shall not be deemed to be a meeting within the meaning of this clause.

(2) When a person ceases to be a member under clause (d) of sub-section (1), the President shall at once intimate the fact in writing to such person and report the same to the Committee at its next meeting. If such person applies for restoration to his office on or before the date of its next meeting or within fifteen days of the receipt by him of such intimation, whichever is later, the Committee may at the meeting next after the receipt of such application or **suo moto** at the said meeting restore him to his office as member :

Provided that a member shall not be so restored more than twice during his term of office.

Prohibition of simultaneous membership.

29. (1) If a person is elected by more than one constituency, he shall by notice in writing, signed by him and delivered to the Collector or any other officer appointed by the Government in this behalf, within the time prescribed choose anyone of the constituencies whcih he shall serve and the choice shall be final.

(2) When any such choice has been made, the constituency or constituencies other than the constituency which such person has chosen to serve shall be called upon to elect another person or persons.

(3) If the candidate does not make the choice refered to in sub-section (1) the election of such person shall be void and all constituencies concerned shall be called upon to elect another person or persons.

Reference to the Election Tribunal.

30. (1) Whenever it is alleged that any person who has been elected as a member of a Committee is disqualified under section 25, sub-section (1) of section 26 or section 28 and such person does not admit the allegation, or whenever any member is himself in doubt whether or not he has become disqualified for office under section 25, sub-section (1) of seetion 26 or section 28 such member or any other member may, and the President at the request of the Committee shall, refer the matter for decision to the Election Tribunal constituted under subsection (6) of section 24.

(2) The Election Tribunal, after making such inquiry as it deems necessary, shall determine whether or not such person is disqualified under section 25, subsection (1) of section 26 or section 28 and such decision shall be final.

(3) Pending such decision, the member shall be entitled to act as if he were not disqualified.

Procedure when no member is elected.

31. (1) If at a general election or by-electiton to a Comittee held under section 16, no member is elected, a fresh election shall be held on such date as the Government may fix in this behalf.

(2) The term of office of a member elected under this section shall expire at the time at which it would have expired if he had been elected at the general election or bye-election, as the case may be.

Publication of the names of members in the Official Gazette.

32. The names of all members finally elected to any Committee, shall be forthwith published in the official Gazette.

Return of election expenses.

33. (1) Within 45 days of the publication of the result of the election in the official Gazette under section 32 there shall be lodged with the Returning Officer in respect of a candidate who has contested the election, a return of the election expenses signed by him and his election agent, if any appointed.

(2) Every such return shall be in such form and shall contain such particulars and be accompanied by such declarations as may be prescribed.

(3) Notwithstanding any thing contained in this section where owing to absence from Municipality a candidate is unable to sign the return of election expenses and to make the required declaration, the return shall be signed and lodged by the election agent if any and shall be accompanied by a declaration by the election agent only and the candidate shall, within fourteen days after his return to the Municipality, cause to be lodged with the Returning Officer a declaration made on oath or solemn affirmation before a Magistrate in such form as may be prescribed.

(4) The maximum scales of election expenses at elections and the numbers and descriptions of persons who may be employed for payment in connection with election shall be such as may be prescribed.

Term of office of members.

34. (1) Except as is otherwise provided in this Act, members shall hold office for a term of three years :

Provided that the Government may by notificatiion in the official Gazette for sufficient cause which shall be stated therein, direct that term of office of the members of any Committee as a whole be extendd by such period or periods not exceeding one year, as may be specified in the notification.

(2) (a) The term of office of such members shall be deemed to commence on the date of the first meeting called by the Collector under section 35 ;

(b) the term of office of the outgoing members shall be deemed to extend to and expire with the day before the date of such meeting.

Election of President and Vice-President.

35. (1) The first meeting of the Committee shall be called by the Colector, or any officer not below the rank of a Tahsildar authorised by the Collector, in this behalf, after giving at least five clear days notice thereof within thirty days from the date of publication of the names of members under section 32 to elect a President and Vice-President from amongst the members; such meeting shall not be held on a date prior to the date on which the term of the outgoing members expires under section 34.

(2) The Collector or any officer authorised by him shall preside over such meeting and while so presiding shal have the same powers as the President of a Committee when presiding over a meeting of the Committee but shall not have a right to vote:

Provided that the Collector or the Officer presiding over such meeting may for reasons which in his opinion are sufficient refuse to adjourn such meeting.

(3) If at an election held under sub-section (1) no President or Vice-President is elected a fresh election shall be held within thirty days from the date of the first election.

(4) Every election of a President or Vice-President shall be forthwith notified in the official Gazette.

(5) The term of office of every President or Vice-President shall cease on the expiry of his term of office as member:

Provide that on the expiry of the term of office as member, the President and Vice-President shall continue to carry on the current administrative duties of their offices until such time as a new President and Vice-President is elected and takes over charge.

Vacancy in the offices of the President or Vice-President.

36. The President or the Vice-President shall vacate his office—

(a) on the expiry of his term of office under sub-section (5) of section 35,

(b) on ceasing to be a member for reasons other than the expiry of his term of office as a member,

(c) on a resoution of no confidence moved in accordance with the procedure prescribed, and passed in a meeting of the Committee:

Provided that the President or the Vice-President, as the case may be, shall not preside at such meeting:

Provided further that if within a week of the passing of such resolution the legality thereof is questioned by more than one-third of the total number of members, the Collector shall, as soon as possible, make such enquiry as he deems fit and decide the matter and his decision thereon shall be final and shall not be questioned in any Court of Law.

Resignation of President or Vice-President or members.

37. The President, Vice-President or any member may resign his office as such President, Vice-President or member by giving notice in writing to the Committee:

Provided that no resignation tendered by the President, Vice-President or member shall take effect until it has been accepted by the Committee.

Casual Vacancies.

38. (1) Any vacancy in the Committee due to death or resignation of the President, Vice-President or a member or to his ceasing to be a member under section 28 or to his otherwise ceasing to be President, Vice President or member, before the expiry of the term of his office or to the vacating of office by the President or Vice-President under section 36, shall be reported by the Executive Officer to the Collector. Such vacancy shall be filled by election of a person thereto, who shall hold office so long only as the President or Vice-President or member in whose place he is elected would have held it if the vacancy had not occured.

(2) For the purpose of filling up the vacancies in the office of the President or the Vice-President under subsection (1) the Collector in case of vacancy in the office of the President, and the President, in case of vacancy in the office of the Vice-President, shall within thirty days from the date of occurence of such vacncy call a meeting of the Committee to elect a President or a Vice-President, as the case may be.

(3) The provisions of section 35 shall be applicable so far as may be to the procedure to be followed at such meeting for the election of a President under this subsection.

CHAPTER III.

Sub-Committees, Joint Committees and Office-Bearers.

Sub-Committees.

39. (1) The Committee may constitute Sub-Committees for the purpose of exercising such powers, and discharging such duties and performing such functions as may be delegated or assigned to them by the Committee and may if it thinks fit appoint any person, whether

member or non-member, to enquire into and advise on any matter referred to them. The Committee may also regulate the procedure of Sub-Committees constituted by it.

(2) The Committee may at any time withdraw the delegation or assignment of powers, duties or functions made under sub-section (1).

(3) A Sub-Committee may from time to time by a resolution, suported by not less than one-half of its members, co-opt as members, persons who are not members of the Committee, for the transaction of any particular business.

(4) Co-opted members shall not have the right to vote and shall be liable to be removed by the Sub-Committee by a resolution supported by not less than one-half of its members.

(5) A Sub-Committee shall appoint one of the members to be the Chairman of the Sub-Committee :

Provided that in case the President or the Vice-President is a member of the Sub-Committee, such President or the Vice-President, as the case may be, shall be the Chairman of the Sub-Committee.

Joint Committees.

40. (1) A Committee may, with the sanction of the Government from time to time—

(a) Join with any other Committee, Municipal Corporation or District Board, Mines Board of Health, Cantonment or Panchayat, or with more than one such local authority.—

(i) in appointing out of their respective authorities a Joint Committee for any purpose in which they are jointly interested and in appointing a Chairman of such Committee;

(ii) in delegating to such Joint Committee power to frame terms binding on each such local authority as to the construction or undertaking and the maintenance of any joint work or scheme and any power which might be exercised by either or any of such local authorities :

(iii) in framing bye-laws for regulating the proceedings of any such Committee and the conduct of correspondence relating to the purpose for which it was appointed.

(2) A Committee may, from time to time, subject to the sanction of Government enter into an agreement with

any other Committee, Municipal Corporation, District Board, Cantonment, Mines Board of Health or any other local authority regarding the levy of any tax or taxes jointly instead of separately and the appointment of the proceeds of such taxes.

(3) In the event of any dispute arising between a Committee and any other Local Authority or Panchayat on any matter in which they are jointly interested, such dispute shall be referred to the Government, whose decision shall be final :

Provided that when the other Local Authority is a Cantonment Board, the decisions of the Government shall be subject to the concurrence of the Central Government.

(4) The Government, may by an order or rules made under this Act, regulate the relations between the Committee and other local authorities as aforesaid in matter in which they are jointly interested.

Functions of the President.

41. The President shall—

(a) preside over the meetings of the Committee ;

(b) watch over the financial and executive administration of the Committee and place before the Committee all questions connected therewith which require the Committee's orders ;

(c) exercise supervision and control over the acts and proceedings of all officers and servants of the Committee in matters of executive administration and in matters concerning the accounts and records of the Committee ;

(d) furnish to the Government such periodical reports, and returns records as may be prescribed or the Government may from time to time call for ;

(e) furnish to the Government, or to such other officer as the Government, may from time to time, nominate in this behalf, a copy of resolution passed at any meeting of the Committee, any extract from the minutes of the proceedings of the Committee or any Sub-Committee and other documents or things which the Government or the said officer may from time to time call for ;

(f) furnish to the Director of Public Instruction a copy of every resolution of the Committee pertaining to educational matters and to the Director, Medical and

Health Services a copy of every resolution pertaining to dispensaries, medical relief and public health; and

(g) discharge such other functions and exercise such other powers as are imposed or conferred upon him by this Act or any other law or by any rules or bye-laws made under this Act or any other law.

Emergency Powers of President.

42. The President may, in any emergency, direct the execution or stoppage of any work or the doing of any act which requires the sanction of the Committee and the immediate execution or the doing of which, is in his opinion, necessary for the service or safety of the public, and may direct that the expenses of executing such work or doing such act shall be paid from the Municipal Fund:

Provided that—

(a) he shall not act under this section in contravention of any order of the Committee prohibiting the execution of any particular work or the doing of any particular act, and

(b) he shall report the action taken under this section and the reasons therefor to the Committee at the next meeting.

Functions of Vice-President.

43. The Vice-President shall—

(a) in the absence of the President preside at the meetings of the Committee;

(b) exercise such of the powers and perform such of the duties of the President as the President may, from time to time, delegate to him, and

(c) pending the election of a President or in case the President has been continuously absent from the Municipality for more than fifteen days or is incapacitated, exercise the powers and perform the duties of the President.

Consequence of absence of President or Vice-President without leave.

44. (1) Every President or Vice-President, who for a period exceeding three months, absents himself from the Municipality in such manner as to be unable to perform his duties as such President or Vice-President shall cease to be President or Vice-President, as the case may be, unless leave so to absent himslf has been granted by the Committee, or in the case of a Vice President, by the President.

(2) Leave under sub-section (1) shall not be granted for a period exceeding six months and whenever leave is granted to a President or Vice-President thereunder, the Committee shall elect one of its members to exercise all the

powers and perform all the duties of a Vice-President in place of the Vice-President who is exercising the powers and performing the duties of the President or who is absent on leave during the period for which such leave is granted.

Office bearers, members and employees of Committee to be public servants.

45. Every office-bearer and member of a Committee or Joint Committee and every officer or servant employed by or under a Committee or a Joint Committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code, 1860, (XLV of 1860).

CHAPTER IV

Conduct of Business.

Meetings of the Committee.

46. (1) Every Committee shall meet for the transaction of business at least once in every month at such time and place as the President may determine.

(2) The President shall fix the dates for the meetings hereinbefore specified and may, whenever he thinks fit, and shall, upon the written request of not less than one-fourth of the whole number of members and for a date within twenty-one days from date of receipt of such request, call a special meeting.

Notice of meetings.

47. Seven clear days' notice of an ordinary meeting and three clear days' notice of a Special Meeting specifying the time and place at which such meeting is to be held and the business to be transacted thereat, shall be given to the members and posted at the Committee's office. Such notice shall include in the case of special meeting any motion or proposition mentioned in any written request made for such meeting.

Quorum.

48. If less than one-third of the whole number of members are present at a meeting at any time from the beginning to the end thereof, the presiding authority shall adjourn the meeting to such hour on the following or some other future day as he may reasonably fix; a notice of such adjournment shall be fixed up in the Committee's Office, and the business which would have been brought before the original meeting had there been quorum threat, shall be brought before the adjourned meeting and may be disposed of at such a meeting or at any subsequent adjournment thereof, whether there be a quorum or not.

Meeting by whom to be presided in the absence of President and Vice-President.

49. Every meeting shall be presided over by the President and in his absence by the Vice-President and in the absence of both the President and the Vice-President by such one of the members present as may be chosen by the meeting to be the Chairman for the occasion.

Meeting open to public.

50. (1) Every meeting shall be open to the public unless the presiding authority for special reason which he shall record in writing deems that any enquiry or deliberation pending before th eCommittee is such that it should be held in camera.

(2) The presiding authority may at any time cause any person to be removed who interrupts the proceedings.

Decisions how arrived at.

51. All questions shall be decided by a majority of votes of the members present and voting, the presiding authority having a casting vote in all cases of equality of votes.

Bar of transaction of business.

52. (1) Except with the permission of the presiding authority which permission shall not be given in the case of a motion or proposition to modify or cancel a resolution within three months after the passing thereof, no business shall be transacted and no propositions shall be discussed at any ordinary meeting unless it has been entered in the notice convening such meeting or in case of a special meeting, in the written request for such meeting. The order in which any business or propositions shall be brought forward at such meeting shall be determined by the presiding authority who in case it is proposed by any member to give priority to any particular item of such business or to any particular proposition shall put the proposal before the meeting and be guided by the majority of votes given for or against the proposal.

(2) Any meeting may, with the consent of a majority of members present, be adjourned from time to time, but no business shall be transacted at any adjourned meeting other than that left undisposed of at the meeting from which the adjournment took place.

Bar of modifying or cancelling certain resolution.

53. No resolution of the Committee shall be modified or cancelled within three months after the passing thereof, except by a resolution supported by more than one-half of the whole number of members and passed at such meeting, the notice of which has been given fulfilling the requirements of section 47 and setting forth fully

the resolution which it is proposed to modify or cancel at such meeting and the motion or proposition for the modification or cancellation of such resolution.

Motions and amendments.

54. (1) Every motion or any amendment thereof shall be received in writing and then duly moved. Every motion shall be seconded, and until seconded no debate thereon shall take place nor shall it be put to vote. No amendment which merely negatives the original motion shall be allowed.

(2) Any motion or amendment may be withdrawn by its proposer with the consent of the Committee.

(3) An amendment to an amendment may be moved at any stage of the debate.

(4) On the conclusion of the debate, in the event of there being several amendments to an amendment, the presiding authority shall put the last amendment to vote first and after it is negatived the next proceeding amendment shall be put to vote and so on until all the amendments are disposed of. The original motion or the amended motion, as the case may be, shall then be put to vote.

(5) When any motion or amendment involves many points the presiding authority may divide it and put each point to vote separately.

(6) When a motion or amendment has been put to vote and declared by the presiding authority as carried, no further proposals for amending the motion or amendment shall be entertained.

Conduct of ordinary meetings.

55. At ordinary meetings business shall be conducted in the following order :—

(a) The minutes of the previous ordinary meeting and of any special meeting held since shall be read and if approved by the majority of the members, shall be confirmed.

(b) Business postponed at the previous meeting shall be considered.

(c) Subjects noted on the agenda shall then be considered.

Moving Resolution.

56. A member may propose any resolution connected with or incidental to the subjects included in the list of business, or with the consent of the majority of the members present a resolution on any matter not so included.

Preservation of Order.

57. (1) The presiding authority shall preserve order. All point of orders shall be decided by him with or without discussion as he may deem fit, and his decision shall be final.

(2) The presiding authority may direct any member whose conduct is in his opinion disorderly to withdraw immediately from the meeting of the Committee and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the days' meeting :

Provided that the presiding authority may withdraw such order on receiving an apology from member or without such apology.

(a) The presiding authority may, in the case of grave disorder arising in any meeting suspend the meeting for a period not exceeding three days.

(b) If any member, who has been ordered to withdraw, continues to remain in the meeting, the presiding authority may take such steps as he may deem fit to cause him to be removed.

(3) Any question of procedure not herein provided for, shall be decided by a majority of the members present and voting.

58. No member of a Committee or Sub-Committee thereof or a joint Committee shall vote or take part in the discussion on any matter before a meeting or ask any question concerning any matter in which he has directly or indirectly by himself or his partner any share or interest such as is described in clause (h) of section 27 or in which he is professionally interested on behalf of clients, principal or other person.

Minutes.

59. The names of the members present at every meeting of the Committee or Sub-Committee and proceedings of the decision taken thereat shall be entered in a minute book and confirmed at the next ensuing meeting by the presiding authority. The minute book shall at all reasonable times be open to inspection by any member of the Committee or by any inhabitant of the Municipality.

Circulation of proposals when cannot be convened.

60. (1) If in an emergency, the President finds it difficult to convene a meeting he may circulate a written propositiion of his own or of any other members for the observations and the votes of the members.

(2) The decision on any proposition so circulated shall be in accordance with the majority of votes of the members who thus vote upon it.

(3) Every decision arrived at by the Committee under this section shall be recorded in the minute book and the minute confirmed at the next meeting Committee.

Certain Goverment Officers to attend meeting of the Committee.

61. If it shall appear to the Committee or a Sub-Committee thereof that the presence of the Executive Engineer, the Inspector of Schools, the Civil Surgeon, the Agricultural Officer, the Veterinary Officer, the Social Service Officer, the Forest Officer, the Assistant Registrar of Co-operativee Societies, or any officer charged with any of the duties of these offices in the Municipality is desirable at any meeting of the Committee or of any Sub-Committee thereof the Committee or a Sub-Committee thereof may by letter addressed to such officer not less than 15 days previous to the intended meeting require his presence thereat. The said officer shall, unless his superior officer has any objection thereto or is prevented by sickness or other reasonable cause, attend such meeting, but shall not be entitled to vote thereat.

Rights of individual members.

62. (1) Any member of a Committee may call the attention of the President to any neglect in the execution of work of the Committee, to any waste of property of the Committee or to the wants of any locality within the Municipality and may suggest any improvements which may appear desirable.

(2) Subject to such rules as may be prescribed every member shall have the right to interpellate the President on matters connected with the administration of the Committee.

Vacancy or irregularities not to invalidate the proceeding.

63. (1) No act of a Committee, sub-committee thereof or of any person acting as President, Vice-President, Chairman or Member thereof shall be deemed to be invalid by reason only of some defect in the constitution of such Committee or election or appointment of such President, Vice-President, Chairman or Member, or on the ground that they or any of them were disqualified for such office or that formal notice of the intention to hold a meeting of the Committee was not duly given or for any other informality.

(2) Any thing done or any proceeding taken under this Act shall not be questioned on account of any vacancy in a Committee or Sub-Committee.

CHAPTER V.

Officers and Servants and their Condition of Service.

Application of Hyderabad Civil Service Regulations and certain other rules.

64. Unless otherwise provided in this Act or prescribed thereunder the provisions of the Hyderabad Civil Service Regulations for the time being in force relating to salaries, leave, pensions, travelling allowance, retirements and conditions of all service and the rules for the time being in force relating to the conduct of Government Servants and enquiries into the conduct and punishment of Government servants, shall apply to the officers and servants of the Committee appointed under section 65 and and to officers belonging to Local Government Service constituted under section 66.

Appointment of Officers and Servants.

65. Subject to the provisions of this Act and the rules made thereunder every Committee may appoint such officers and servants as it shall deem necessary and proper for the efficient execution of its duties and shall from time to time prepare a schedule of the staff to be so maintained setting forth their designations, grades, salaries, fees and allowances, and their respective duties and may also determine which of the staff is to be maintained permanently and which temporarily:

Provided that the Committee shall set forth the designations and determine the grades, salaries, fees and allowances in conformity with the arrangements prevailing and the schedule of rates in vogue in the establishments of the Government.

Hyderabad Local Government Service.

66. (1) There shall be constituted for the purposes of this Act and of any other law for the time being in force regulating the duties and powers of Municipal Corporations, District Boards and Mines Boards of Health, a Hyderabad Local Government Service consisting of such officers and servants which may include Executive Officers, Local Government Engineers, Water Works Engineers, Supervisors, Sanitary Inspectors and such other officers and servants as may be appointed from time to time. The powers of appointment, transfer, dismissal and taking any disciplinary action against the officers belonging to the said service and of prescribing conditions of their service shall vest exclusively in the Government.

(2) Notwithstanding the provisions contained in sub-section (1) a Committee may, if it deems necessary, by a resolution recommended to the Government for tak-

ing such disciplinary action as may be required against the Executive Officer belonging to the said service in respect of any act of misconduct committed by him:

Provided that two-thirds of the whole number of members of the Committee vote in favour of such a resolution.

(3) There shall be constituted a Local Government Service Fund to meet the expenditure in respect of salaries, allowances, pensions, provident fund, gratuities and other necessary expenses payable to the officers of such service under the provisions of this Act or any other law for the time being in force or rules made thereunder or under any orders of the Government.

(4) Each Municipal Committee and Town Committee shall respectively contribute 12½ per cent and 7½ per cent of its revenue towards Local Government Service Fund constituted under sub-section (3):

Provided that the Government may from time to time by notification in the Official Gazette revise or alter the percentage of the contribution towards the Local Government Service Fund.

Appointment of technical and inspecting officers.

67. (1) The Government may appoint, for the purposes of this Act and of the laws for the time being in force regulating the duties and powers of the Municipal Corporations, District Boards and Mines Boards of Health duly qualified persons to be Superintending Engineer, Divisional Engineer, or Town Planning Officers, or architects or inspecting or other officers for the whole or any part of the state and may sanction such establishment for the said officers as may be deemed necessary.

(2) The Officers and establishment appointed under sub-section (1) shall belong to the Local Government Service and their expenses shall be defrayed from the Local Government Service Fund constituted under sub-section (3) of section 66.

(3) The powers and duties of the officers mentioned in sub-section (1) and their conditions of service shall be such as may be prescribed.

Punishment and dismissal of the employees.

68. The power of dismissing any officer or servant maintained by a Committee, save those borne on the Hyderabad Local Government Service, shall, subject to the provisions of this Act and the rules made thereunder, vest in the Committee.

Power of Government to transfer Officers and servants of Committee.

69. Notwithstanding any thing contained in this Chapter the Government shall have power to transfer any officer or servant of a Committee to the service of any other Committee, any District Board, any Mines Board of Health or to any other local authority:

Provided that such power shall be exercised after consulting the local authorities concerned.

Residuary Powers of the Committee over subordinates.

70. All Sub-Committees, members, officers and servants of a Committee shall, in the exercise or discharge of any functions delegated to them, be under the control of the Committee and the Committee, may, subject to any provision of law or rules made thereunder, whereby the executive functions of the Committee are assigned to the President or any officer, revise any order passed by any of its Sub-Committees, members, officers or servants.

Executive Officers.

71. (1) The Government may appoint an Executive Officer for each Municipality who shall, subject to the provisions of this Act and the rules made thereunder be directly responsible for carrying out the purposes of this Act.

(2) The Executive Officer shall—

(a) carry into effect the decisions and resolutions of the Committee;

(b) cause to be maintained and supervise accounts and registers of the Committee;

(c) advise the Committee as to the law applicable to any particular case;

(d) prepare annual administration report and other reports called for by the Government and submit them to the Government after approval of the Committee.

(e) prepare budget estimates for submission to the committee or Finance Sub-Committee;

(f) subject to the control of the Committee, do all other acts as may be prescribed for the proper functioning of the Committee;

(g) perform all duties and exercise all the powers specifically imposed or conferred on him by or under this Act and the rules made thereunder and subject to the sanction of the Committee exercise executive powers for the purpose of carrying out the provisions of this Act.

(2) Notwithstanding anything to the contrary contained in this Act and rules made thereunder, the executive Officer of a City Municipality shall, in addition to the

powers specified in sub-section (2), exercise the following powers :—

(a) make such requisition by written notice, or give such written consent or permission, grant such licences, issue such orders and prohibitions, and exercise all such powers as may vest in a Municipal Committee under any provisions contained in sub-section (2) of section 138, section 144, 159, 160, 161, 164, 178, 179, 181, 183, 187, 188, 202, 203, 204, 205, 214, 215, 216, 219, 221, 222, 279 & 280.

(b) Suspend, withhold, or withdraw any licence he is empowered to grant or give under clause (a) and which, the Municipal Committee under the provision of this Act, rules or bye-laws made thereunder may suspend, withhold or withdraw ;

(c) receive and recover and credit to the Municipal Fund all fees payable for licences and permissions granted or given by him under the powers aforesaid ;

(d) make appointments to any post the monthly salary of which does not exceed Rs. 30 ;

(e) fine, reduce, suspend, dismiss, any servant of the Municipal Committee whose monthly salary does not exceed Rs. 30.

CHAPTER VI.

Property, Contracts and Liabilities.

Property vested in Committee.

72. Subject to the provisions of the Land Revenue Act, 1317 F. (VIII of 1317 F.), to any special reservation made or to any special conditions imposed by the Government to any town survey and settlement rules and to any rules made under this Act, all property of the nature hereinafter in this section specified and situated within the limits of a Municipality shall vest in and be under the control of the Committee and all, other property which has already vested or may hereafter vest in the Committee, shall be held and applied by it for the purpose of this Act, that is to say—

(a) all public town-halls, gates, markets, slaughter houses, manure and night soil depots and public building of every description which have been constructed or are maintained out of the Municipal Fund;

(b) all public streams, springs and works for the supply, storage and distribution by the Committee of

water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(c) all public sewers and drains and all sewers, drains, culverts and water-courses in, alongside or under any street, and all works, materials and things appertaining thereto;

(d) all dust, dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or unclaimed dead bodies of animals collected by the Committee from the streets, houses, privies, cess-pools or elsewhere, or deposited in places, fixed by the Committee under this Act.

(e) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(f) all land or other property transferred to the Committee by the Government or the District Board or acquired by gift, purchase, or otherwise for local public purposes; and

(g) all public streets, not being open spaces of land owned by the Government or the District Board, and the pavements, stones and other materials, thereof, and all trees, erection materials, implements and things provided for such streets.

Power of Government to transfer any property.

73. (1) The Government may in consultation with the committee, by notification, direct that any property, movable or immovable, which is vested in it, shall vest in any Committee, and thereupon such property shall vest in such Committee for the purpose of this Act, subject to all rights over, and all debts, liabilities and obligations, if any affecting such property.

(2) The Government may, in consultation with the Committee by notification, direct that any property which has vested in a Committee under sub-section (1) shall cease to be so vested and thereupon the proprty specified in the notification shall cease to be so vested, and the Government may pass such orders as it thinks fit regarding the disposal and management of such property.

(3) Where any immovable property is transferred, otherwise than by sale, by the Government to a Committee for public purpose, it shall be deemed a condition of such transfer, unless specially provided to the contrary, that, should the property be at any time resumed by the Government, the compensation therefor shall, not-

withstanding anything to the contrary in the Hyderabad Land Acquisition Act, 1309 F. (IX of 1309 F.), in no case exceed the amount, if any, paid to the Government for the transfer, together with the cost or the present value, whichever shall be less, of any buildings erected or other work executed on the land by the Committee.

Acquisition of land for Committee.

74. When any land is rquired, whether, within or without the area subject to the jurisdiction of the Committee, for the purposes of this Act, the Government may on the request of the Committee proceed to acquire it under the provisions of the Hyderabad Land Acquisition Act, 1309 F. (IX of 1309 F.). Such acquisition shall be deemed to be acquisition for a public purpose within the meaning of the said Act.

Management of public institutions.

75. (1) The management, control and administration of every public instituion maintained out of the Municipal Fund shall vest in the Committee.

(2) Subject to such rules as may be prescribed, when any public institution has been placed under the management, control and administration of the Committee, all property, endowments and funds belonging to it shall be held in trust for the purposes to which such property, endowments and funds were lawfuully applicable at the time when the institution was so placed.

Transfer of Committee property to the Government.

76. The Committee may, with the sanction of the Government, transfer to the Government any property vested in the Committee under section 72 (f), 73 and 74 but not so as to affect any trust or public right subject to which the property is held.

Other transfers of Committee's property.

77. Subject to such exceptions as the Government may by general or special order direct, no Committee shall transfer any immovable property except in pursuance of a resolution passed at a meeting by a majority of not less than two-third of the whole number of members and in accordance with rules made under this Act, and no Committee shall transfer any proprty which has been vested in it by the Government except with the sanction of the Government :

Provided that nothing in this section shall apply to leases of immovable property for a term not exceeding three years.

Auctions.

78. The Committee shal have the powers to hold auctions and enter into contracts pertaining to such auction :

Provided that, when the period of such contracts exceeds two years the sanction of the Government shall be obtained.

Mode of making contracts.

79. (1) The President may, on behalf of the Committee, enter into any contract or agreement in such manner and form as according to the law for the time being in force, would bind him if such contract or agreement were on his own behalf :

Provided that the amount or value of such contract or agreemnt shall not exceed rupees one thousand in the case of City Municipality and rupees five hundred in the case of Town Municipality.

(2) Every other contract or agreement where the amount or value of the contract or agreement exceeds rupees one thousand in the case of City Municipality and rupees five hundred in the case of Town Municipality shall be in wirting and shall be signed with the previous approval of the Committee by the President and by two other members of the Committee, and sealed with the common seal of the Committee.

(3) No contract or agreement, not executed as provided in this section, shall be binding on a Committee.

Improper interest in cotracts.

80. (1) No member, officer or servant appointed or employed under this act shall in any way be interested directly or indirectly in any contract made with the Committee.

(2) If any such officer or servant is so interested or under colour of his office or employment accepts without the previous sanction of the Government any fee or reward whatsoever other than his proper salary and allowances, the Committee, or in the case of officer whose appoint ment is subject to the approval of the Government or in the case of a Government officer, the Government, may declare that he shall be incapable of holding or continuing in any office or employment under this Act.

(3) Nothing in this section shall bar a criminal prosecution under section 81.

Explanation.—A person shall not by reason only of being a shareholder in, or a member of, any incorporated or registered company be deemed to be interested in any

contract entered between the Company and the Committee but he shall not take part in any proceedings of the Committe relating to any such contract.

Penalty for improper interest in contracts.

81. If any member, officer or servant of a Committee is, directly or indirectly interested in any contract made with such Committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code (XLV of 1860).

Bar of suit in respect of act done in good faith.

82. No suit shall be maintainable against any Committee or any member, officer or servant thereof or any person acting under the directions of any such Committee, member, officer or servant, in respect of any thing lawfully and in good faith and with due care and attention done under this Act or any rule or bye-law made thereunder.

Bar of suit in absence of notice.

83. No suit shall be instituted against any Committee or any member, officer or servant, thereof or any person acting under the direction of any such Committee, member, officer or servant, for anything done or purporting to have been done under this Act or the rules made thereundr until the expiration of two months next after a notice in writing, stating the cause of action, the name and place of residence of the intending plaintiff and shall be, in the case of a Committee, delivered or left at its office and, in the case of any such member, officer, servant or person as is aforesaid, be delivered to him or left at his office or usual place of residence and the plaint shall contain statement that such notice has been so delivered or left.

Liability for loss, waste or misappropriation of money or property.

84. (1) If any member, officer or servant of a Committee makes or directs to make any payment or application of any money or other property belonging to or under the control of such Committee to any purpose not authorised by or under this Act, or the rules made thereunder or assents to, or concurs with or participates in any affirmative vote or proceeding relating thereto, he shall be individually liable to such Committee for the loss or damage caused thereby, unless he proves that he acted in good faith and with due care and attention.

(2) Every member or officer or servant of a Committee shall be liable to such Committee for the loss of any money, or the loss of or damage to other property be-

longing to the Committee or under its control, if such loss or damage is a direct consequence of his negligence or misconduct.

(3) Notwithstanding any thing contained in section 82, a suit under this section may be instituted by Government or the Committee with the previous sanction of Government.

Powers of Committee to compromise suits.

85. Subject to rules made under this Act, a Committee may compromise any suit instituted by or against it, or any claim or demand arising out of any contract entered into by it in accordance with this Act for such sum of money or other compensation as shall be deemed sufficient.

CHAPTER VII.

Duties and Powers of the Committee.

Duties of Committee.

86. (1) The Committee shall, in addition to the duties imposed upon it by this Act or by any other law for the time being in force, so far as the funds at its disposal may admit, make adequate provision for the following matters, namely :—

(a) lighting public streets and places,

(b) watering public streets and places,

(c) cleaning pubilc streets, places and sewers and all spaces not being private property, which are open to the enjoyment of the public, whether such spaces are vested in the Committee or not, removing noxious vegetations, and abating all public nuisances,

(d) disposing of night-soil and rubbish and preparation of compost manure from such night-soil and rubbish,

(e) extinguishing fire and protecting life and property when fire occurs,

(f) regulating or abating offensive or dangerous trades or practices,

(g) maintaining swimming pools and public parks and removing obstructions and projections in public streets or places, and in spaces, not being private property, which are open to the enjoyment of the public, whether such places are vested in the Committee or belong to the Government,

(h) securing or removing dangerous buildings and places and reclaiming unhealthy localities,

(i) acquiring, maintaining, changing and regulating places for the disposal of the dead,

(j) constructing, altering and maintaining public streets, culvert, boundary marks of the municipality, markets, slaughter-houses, latrines, privies, urinals, drains, sewers, drainage works, sewage-works, baths, washing places, drinking fountains, tanks, wells, dams and the like,

(k) obtaining supply or additional supply of water, proper and sufficient for preventing danger to the health of the inhabitants and their domestic animals from the insufficiency or unwholesomeness of the existing supply when such supply can be obtained at a reasonable cost.

(l) naming streets and numbering houses,

(m) registering births and deaths,

(n) public vaccination,

(o) providing suitable accommodation for any calves, cows, or buffaloes required within the Municipality for the supply of animal lymph,

(p) printing and publishing annual reports on the administration of the Municipality,

(q) taking such measures as may be required to prevent the outbreak, spread or recurrence of infectious diseases.

(r) the construction, management and maintenance of cattle ponds, including all the functions of the First Class Magistrate, District Magistrate, Sessions Judge, High Court and the Government under sections 4, 5, 6, 8, 9, 10, 13, 14, 16, 24, sub-sections (1), (2) and (4) of section 26 and the rules made under section 27 of the Hyderabad Cattle Trespass Act, 1337 F. (V of 1337 F.),

(s) the management of such public ferries as may be entrusted to its charge :

Provided that the Government may exempt any Municipality from any of the provisions of this sub-section, or may declare that in regard to any Municipality any of the foregoing duties shall be deemed to be discretionary powers within the meaning of section 87.

(2) No suit for damages or for specific performance shall be maintainable against any Committee, or any officer or member thereof, on the ground that any of the

duties specified in sub-section (1) have not been performed.

Discretionary Power of the Committee.

87. The Committee may provide from time to time either wholly or partly, for all or any of the following matters, namely :

(a) establishing and maintaining public hospitals and dispensaries, and providing public medical relief ;

(b) laying out, whether in areas previously built upon or not, new public streets and localities and acquiring land for that purpose including plots of land for building to abut on such streets ;

(c) constructing, establishing or maintaining recreation grounds, gardens, town halls and other public buildings, camping grounds, rest-houses, and vehicle stands;

(d) furthering educational objects ;

(e) planting and maintaining roadside and other trees ;

(f) the encouragement and development of co-operative societies and of other measures to remove indebtedness and poverty ;

(g) the revival or promotion of cottage industries ;

(h) the improvement of cattle and other livestock;

(i) providing facilities for antirabic treatment and meeting expenses of indigent persons undergoing such treatment within or without the Municipality;

(j) providing special medical aid and accommodation for the sick in time of outbreak of infectious diseases ;

(k) the destruction of vermins, birds or animals causing a danger or nuisance and the confinement or destruction of stray dogs ;

(l) giving relief and establishing and maintaining relief work in time of famine or scarcity ;

(m) the establishment and maintenance of maternity homes and child welfare centres and the taking of other measures for the care of mothers and children;

(n) constructing houses for persons belonging to lower income class and the housing of any class of servants employed by the Committee ;

(o) constructing, establishing or maintaining houses for orphans, beggars, cripples, destitutes or aged persons ;

(p) the holding of exhibitions, atheletics or games ;

(q) the regulation of lodging houses, camping grounds and rest-houses ;

(r) the organisation, maintenance, or management of transport facilities for the conveyance of the public or goods ;

(s) the establishment and maintenance or the aiding of libraries, museums and art galleries, botanical or zoological collections and the purchase or construction of buildings therefor ;

(t) contribution towards any public fund raised for the Relief of human suffering within or without the limits of the Municipality ;

(u) the granting of rewards for information which may tend to secure the correct registration on vital statistics ;

(v) establishing and maintaining a farm or factory for the disposal of sewage ;

(w) the surveying of buildings or lands ;

(x) the making of a contribution towards any public ceremony or entertainment within the limits of the Municipality ;

(y) Constructing, establishing or maintianing theatres to promote art and culture ;

(z) any other matter not herebefore specially named which is likely to promote the health, safety, comfort and convenience of the public.

Social and economic measures.

88. The Government may, at any time, in consultation with the Committee or Committees concerned by a notified order require a Committee or Committees to undertake on such terms and conditions such measures for the improvement of social and economic status of the inbitants as shall be specified in the said order.

CHAPTER VIII.

REVENUE AND EXPENDITURE.

1. The Municipal Fund.

Constitution of Municipal Fund.

89. There shall be formed for each Municipality a Municipal Fund and there shall be placed to the credit thereof—

(a) all taxes, toll and fees imposed and all other

moneys received by or on behalf of the Committee under the provisions of this Act or of any other law for the time being in force or under any contract;

(b) all rents and profits accruing from the properties and utility services which are or have been bought, constructed or maintained from the Municipal Fund or from properties and utility services otherwise vested in the Committee;

(c) the proceeds of all public ferries established within Municipal limits under the Hyderabad Ferries Act, 1314 F. (II of 1314 F.), and all penalties and fines realised under the Acts in cases arising within Municipal limits in respect of such ferries;

(d) all fines recovered from persons convicted and all sums recovered on account of composition under section 294 for offences committed against this Act or the rules or bye-laws made thereunder;

(e) all grants and assignments of revenue and contributions made by the Government, local authorities and private individuals;

(f) all sums received on account of fines and unclaimed sale proceeds under the provisions of the Hyderabad Cattle Trespass Act, 1337 F. (V of 1337 F.);

(g) the accumulated balances of the Municipal Fund at the commencement of this Act.

Custody and investment of Municipal Fund.

90. (1) The Municipal Fund shall be vested in the Committee and shall be kept in such Government treasury or such bank to which Government treasury business has been made over.

(2) The Committee may, from time to time, with the previous sanction of the Government, invest any portion of its fund in securities of the Government or in such other securities, including fixed deposits in banks, as the Government may approve in this behalf, and may vary such investments for other of like nature, and the income resulting from the securities shal be credited to the Municipal Fund.

Application of Fund.

91. (1) The Committee shall set apart and apply annually out of the Municipal Fund—

(a) firstly such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it.

(b) secondly such sum as may be required to meet the charges of its own establishment under section 65

and contribution towards Local Government Service Fund under sub-section (4) of section 66,

(c) thirdly, the cost of the construction and maintenance of buildings for the offices of the Committee.

(2) Subject to the charges specified in sub-section (1) and to rules made under this Act, the Municipal Fund shall be applicable only to the payment of the charges and expenses incidental to the several matters specified in sections 86 and 87 and to all other purposes for which by or under this Act or any other law for the time being in force powers are conferred or duties imposed upon the Committees and also to the following purposes namly:

(a) grants of loans to employees.

(b) (i) the payment of monthly allowance to the President,

(ii) the payment to members of the Committee of daily allowance for attending meetings and of expenses incurred in travelling for the purposes of the business of the Committee and any Sub-Committee thereof, as may be prescribed,

(c) grants-in-aid to schools, hospitals, maternity homes, dispensaries (including veterinary dispensaries), public libraries and other libraries, laper asylums, poor houses and educational or charitable institutions established for purposes of public benefit,

(d) contribution to any work or institution from which the Municipality benefits although such work or institution is undertaken or maintained outside the Municipal or Town limits,

(e) contributions towards any public fund raised for the relief of human or animal suffering within or without the Municipal or Town limits,

(f) any public reception, ceremony or entertainment,

(g) compensation to any person sustaining any damage by reason of the exercise of any power vested in the Committee, its members, officers or servants under this Act or the rules made thereunder and,

(h) with the previous sanction of the Government any other purpose, wherein the expenditure of the Municipal Fund is in public interest:

Provided that no expenditure shall be incurred under clauses (c) and (f) save in pursuance of a resolution

passed at a meeting and supported by two thirds of the total number of members.

(2) Municipal Budget and Acounts.

Finance Sub-Committee and Budget Estimates.

92. (1) Every Committee shall appoint a Finance Sub-Committee consisting of the President and not less than three of its members.

(2) Every year the Committee shall on or before the prescribed date, hold a meeting at which the Finance Sub-Committee shall submit budget estimates of the income and expenditure of the Committees for th coming year.

(3) The Committee shall consider the estimates and may approve of them with or without modification :

Provided that no estimates shall be approved unless the minimum amount standing to the credit of the Committee at the end of the year is equivalent to the amount required for the paymnt of salaries of the officers and servants of the Committees and for defraying the expenses of contingencies for at least six months.

(4) The Committee shall forward its estimates as finally approved by it to the Government.

(5) The Government before confirming the estimates may make such changes therein as it considers necessary in order that the estimate may comply with the requirements of this Act, or the rules thereunder or of any other law for the time being in force.

(6) If the Government considers other changes desirable whether by way of omitting, increasing or reducing any provision or of inserting a provision for income or expenditure not appearing in the estimates as submitted by the Committee, it shall be bound, before effecting any such changes, to refer the estimates back to the Committee together with the changes considered desirable to be made therein for its opinion, and shall give due consideration to any opinion received from the Committee within one month from the despatch of the reference to the Committee.

(7) On the receipt of the Committee's opinion or on the expiry of one month as aforesaid without any reply from the Committee, the Government may modify the estimate by adopting in whole or in part the changes suggested by it to the Committee and confirm the estimates thus changed.

(8) Notwithstanding anything contained in sub-section (4) Government may by notification in the official gazette declare the budget estimates of the Committees specified therein shall not be subject to approval of Government.

Expenditure from Municipal Fund.

93. Nothing in Section 92 shall be deemed to prevent the Committee during the first quarter of the financial year or till the budget is sanctioned whichever is earlier from paying from its Fund in the local treasury or bank the cost of the sanctioned establishment and contingencies.

Accounts.

94. (1) The Committee shall keep such accounts and submit such statements to the Government as may be prescribed.

(2) Accounts of the receipts and expenditure of every Committee shall be maintained to the last day of every financial year in such form as may be prescribed. These annual acounts and all accounts kept under sub-section (1) shall be examined and audited, as soon as may be, after the end of each financial year by such persons as the Government may appoint in this behalf.

(3) An abstract of every annual account of a Committee showing the income of the Munimipal Fund under such head of receipts, the charges for establishment, the works undertaken, the sum expended on each work, the balance, if any, of the fund remaining unspent, and such other information as may be required by the rules framed under this section, shall be prepared by the Committee in such form or forms as may be prescribed, and forwarded to the Government not later than the 15th day of the first month of the next financial year and published annually in such manner and in such language as may be prescribed.

Inspection of accounts by the public.

95. The Committee shall keep at its office a copy of the Budget estimates of the current financial year and of every estimate approved and of accounts maintained under this Chapter and any person who is registered in the list of voters for the time being in force as a voter of any constituency of the Municipality or who has during the year paid any tax to the Committee, may at any resonable time inspect any such estimate or account subject to such conditions as may be prescribed.

CHAPTER IX.

MUNICIPAL TAXES.

(1) Imposition.

Taxes which may be imposed.

96. (1) (i) For the purposes of this Act, a Committee shall impose the following taxes namely :—

(a) taxes on lands and buildings ;

(b) Octroi :

Provided however that a Town Committee may impose Octroi within its limits ;

(c) tax on vehicles ;

(d) tax on animals and boats ;

(e) taxes on professions, trades, callings and employments ;

(f) tax on advertisements other than advertisements published in the newspapers ;

(g) tax on transfer of immovable property ;

(ii) In addition to the taxes specified in clause (i) a Committee may for the purposes of this Act and subject to the provision thereof, also impose any of the following taxes :—

(a) Tax on entertainments ;

(b) a toll on animals and vehicles ;

(c) a pilgrim tax.

(2) The Committee may impose any tax other than those specified in sub-section (1) subject to the previous sanction of the Government.

(3) The taxes specified in sub-sections (1) and (2) shall be assessed, levied and collected in accordance with the provision of this Act and the rules made thereunder.

Property taxes of what to consist and at what rate leviable.

97. (1) The following taxes shall, subject to exception, limitations and conditions herein provided, be levied on buildings and lands within municipal limits and shall hereinafter be referred to as property taxes namely :—

(a) a general tax ;

(b) a general water tax ;

(c) a drainage tax ;

(d) a lighting tax ;

(e) a conservancy tax.

(2) Save as otherwise provided in this Act, these taxes shall be levied at such percentages of their rateable value as may be fixed by the Committee :

Provided that the aggregate of the percentage so fixed shall not in the case of any land or building be less than twelve and half per cent or greater than thirty per cent :

Provided further that in respect of lands which being situated within a municipality are liable to the payment of local cess under Section 135 of the Hyderabad District Boards Act, 1955 (I of 1956), the local cess thus leviable by the Government for payment under Section 136 of the said Act to the Committee shall be deducted from the demand of any property tax that is levied on such lands under this Section.

General tax on what premises to be exempted.

98. (1) The general tax shall be levied in respect of all buildings and lands in the Municipality except—

(a) buildings and lands solely used for purposes connected with the disposal of the dead :

(b) buildings and lands or portions thereof solely occupied and used for public worship, or for a charitable or educational purpose ;

(c) buildings and lands vesting in the Committee ;

(d) buildings and lands vesting in the State Government used solely for public purposes and not used or intended to be used for purposes of profit in respect of which the tax, if said levied, would under the provisions hereinafter contained be primarily leviable from the State Government as the case may be.

(2) The following buildings and lands or portions thereof shall not be deemed to be solely occupied and used for public worship or for a charitable or educational purpose within the meaning of clause (b) of sub-section (1) namely :—

(a) buildings or lands or portions thereof in which any trade or business is carried on ; and

(b) buildings or lands or portions thereof in respect of which rent is derived, either such rent is or is not applied solely to religious or charitable or educational purposes.

(3) Where any portion of any building or land is exempt from the general tax by reason of its being solely occupied and used for public worship or for a charita-

ble or educational purpose such portion shall be deemed to be a separate property for the purpose of municipal taxation.

Payment to be made to Committee in lieu of general tax by the State Government.

99. (1) The State Government, shall pay to the Committee annually in lieu of the general tax from which buildings and lands vesting in the said Governments respectively are exempted by clause (d) of sub-section (1) of Section 98, a sum ascertained in the manner provided in sub-sections (2) and (3).

(2) The rateable value of the buildings and lands in the Municipality vesting in the State Government in respect of which, but for the said exemption, general tax would be leviable from the State Government shall be fixed by a person, from time to time appointed in this behalf by the State Government in consultation with the Committee. The said value shall be fixed by the said person, with a general regard to the provisions contained in this Act and the rules made thereunder concerning the valuation of property assessable to property taxes, at such amount as he shall deem to be fair and reasonable. The decision of the person so appointed shall hold good for a term of five years, subject only to proportionate variation, if in the meantime, the number or extent of the buildings and lands vesting in the State Government in the Municipality materially increases or decreases.

(3) The sum to be paid annually to the Commitee by the State Government, shall be the amount which would be payable by an ordinary owner of buildings or lands in the Municipality, on account of the general tax, on a rateable value of the same amount as that fixed under sub-section (2).

Conservancy tax on what premises to be levied.

100. (1) The conservancy tax shall be levied only in respect of premises—

(a) situated in any portion of the Municipality in which public notice has been given by the committee that the collection, removal and disposal of all excrementitious and polluted matter from privies, urinals and cess pools will be undertaken by Municipal agency; or

(b) in which, wherever situate, there is a privy, water closet, cess pool, urinal, bathing place, or cooking place connected by a drain with a Municipal drain:

Provided that the said tax shall not be levied in respect of any premises situated in any portion of the municipality specified in clause (a) in or upon which, in the

opinion of the Committee no such matter as aforesaid accumulates or is deposited.

(2) Premises in respect of which the Committee has directed that a separate water closet, privy or urinal need not be provided shall be deemed to be liable to the levy of conservancy tax, if, but for such direction, the tax would be leviable in respect thereof.

General Water tax.

101. (1) A Committee may levy a general water tax when public water taps or stand posts have been fixed or are being fixed for the use of the public within the municipal limits.

(2) When in any building or land a private pipe connection is taken the owner of the said building or land shall have to pay either the general water tax or the fee for the private pipe connection whichever be greater:

Provided that in buildings or lands where a metered connection is given the rebate claimable of the general water tax shall not exceed the amount payable for an unmetered pipe connection in that municipality.

Rateable value how to be determined.

102. (1) In order to fix the rateable value of any building or land other than that specified in sub-section (2) assessable to a property tax, there shall be deducted from the amount of the annual rent for which such building or land might reasonably be expected to let from year to year a sum equal to ten per cent., of the said annual rent and the said deduction shall be in lieu of all the allowances for repairs or on any other account whatsoever.

(2) The rateable value of any vacant land not—

(a) appurtenant to a building;

(b) used for agricultural purpose ; and

(c) built upon but capable of being used for buildings; and of land on which a building is in the course of erection shall be fixed at 5 % of the estimated Capital value of the land.

(3) All plant and machinery contained or situate in or upon any building or land and belonging to any of the classes specified from time to time by public notice by the Committee, shall be deemed to form part of such building or land for the purpose of fixing the rateable value thereof under sub-section (1);

(4) A statement setting out clearly the class of plant and machinery specified under sub-section (3) and des-

cribing in detail what plant and machinery falls within each such class shall be prepared by the Committee and shall be open to inspection at all reasonable hours by members of the public at the office of the Committee;

(5) Copies of the statement prepared under sub-section (4) may be kept at the office of the Committee for sale at such price as the Committee may fix.

Refund of Property Taxes.

103. (1) When any building or land or any portion of any premises which has been treated as a separate property for the purpose of assessing the property taxes has been vacant for not less than ninety days the Committee shall subject to the provisions hereinafter contained, refund the property taxes if any to a maximum of one half of the amount paid in respect of such taxes for the number of days that such vacancy lasted.

(2) For the purpose of sub-section (1)—

(a) premises shall be deemed to be vacant only if they are unoccupied and unproductive of rent;

(b) premises shall be deemed to be productive of rent, if let to a tenant having a continuing right of occupation thereof, whether they are actually occupied by such tenant or not;

(c) premises furnished or reserved by the owner for his own occupation whenever required shall be deemed to be occupied, whether they are actually occupied by the owner or not;

(d) premises used or intended to be used for the purposes of any industry which is seasonal in character shall not be deemed to be vacant merely on account of their being unoccupied and unproductive of rent during such period or periods of the year in which seasonal operations are normally suspended;

(c) a vacancy which has continued during the whole of the month of February shall be deemed to have continued for not less than thirty consecutive days.

Profession Tax.

104. (1) Every company which transacts business in the Municipality for not less than sixty days in the aggregate in any half year, and every person, who in any half year—

(a) exercises a profession, trade or calling or transacts business or holds any employment, public or private—

(i) within the Municipality for not less than sixty days in the aggregate, or

(ii) without the Municipality but who resides in the Municipality for not less than sixty days in the aggregate, or

(b) resides in the Municipality for not less than sixty days in the aggregate and is in receipt of any pension or income from investments,

shall pay a half-yearly tax not exceeding the rate specified in schedule 'A'.

(2) A person shall be chargeable under the class appropriate to his aggregate income from all the sources specified in sub-section (1) as being liable to the tax:

Provided that—

(a) no person whose aggregate monthly income does not exceed rupees one hundred shall be liable to pay the profession tax;

(b) the Profession tax shall not be levied on agricultural income; and

(c) the proportion, which the tax on any class bears to the minimum income of that class shall in no case be smaller than the proportion which the tax on any lower class bears to the minimum income of such lower class.

(3) Nothing contained in this section shall be deemed to render a person, who resides within the local limits of one local authority and exercises his profession, trade or calling or transacts business or holds any employment within the limits of any other local authority or authorities, liable to profession tax for more than the higher of the amounts of the tax leviable by any of the local authorities. In such a case the Government shall apportion the tax between the local authorities in such manner as they may deem fit and the decision of the Government shall be final:

Provided that where one of the local authorities concerned is a Cantonment Board the decision of the Government shall be subject to the concurrence of the Central Government.

(4) The profession tax leviable on a firm, association or joint Hindu Family may be levied from any adult member of the firm, association or family.

(5) Where one company or person is the agent of another company or person, the former company or per-

son shall not be liable separately to the profession tax, on the same income as that of the principal.

(6) All statements made, returns furnished or accounts or documents produced in connection with assessments of profession tax by any company or person shall be treated as confidential and copies thereof shall not be granted to the public.

Tax on vehicles, boats and animals.

105. (1) A tax at a rate, the maximum and minimum whereof are specified in Schedule 'B' shall be levied half-yearly on vehicles, boats and animals used for riding, driving, draught or burden and on dogs, where such vehicles, animals, or dogs are kept within the Municipality.

(2) The following vehicles, boats and animals shall be exempted from this tax:

(a) vehicles, boats and animals belonging to the Committee;

(b) vehicles, boats and animals belonging to the Government, used or intended to be used for public purposes and not used or intended to be used for purpurposes of profit;

(c) vehicles and boats intended exclusively for the conveyance of the injured, sick or dead free of any charge;

(d) carts and draught animals belonging to agriculturist and used in agricultural work;

(e) animals used for drawing vehicles on which tax has been paid;

(f) children's parambulators and tricycles.

Tax on transfer of immovable property.

106. (1) The tax on transfer of property (hereinafter referred as transfer tax) shall be levied :—

(a) in the form of a surcharge on the duty imposed by the Hyderabad Stamp Act for the time being in force on every instrument of the description specified below which relates to immovable property situated within the Municipality; and

(b) at a rate of two percentum on the amount specified below against each instrument :—

Description of Instrument	Taxable Amount
(i) Sale of immovable property.	The amount or value of the consideration for the sale, as set forth in the instrument.

(ii) Exchange of immovable property.	The value of the property of the greater value, as set forth in the instrument.
(iii) Gift of immovable property.	The value of the property as set forth in the instrument.
(iv) Mortgage of immovable property.	The amount secured by the mortgage, as set forth in the instrument.

(2) All the provisions of the Hyderabad Stamp Act for the time being in force and the rules made thereunder shall **mutatis mutandis** apply to the transfer tax as they apply in relation to the duty chargeable under that Act.

(3) No registering authority shall accept any instrument of the description specified above for registration unless the amount of transfer tax is paid in cash.

(4) Every registering authority shall maintain an account of the transfer tax paid in respect of each instrument registered by him and a separate account showing the amount of the consideration, the value of the property or the amount secured by a mortgage as the case may be.

(5) The transfer tax collected under this Act shall be credited to the Municipal Fund. In the absence of an agreement to the contrary the transfer tax shall be paid by the person who is primarily liable for the payment of Stamp duty in respect of the instrument executed.

Toll.

107. (1) Subject to the provisions of this section and to such conditions as may be prescribed, a toll, the maximum and minimum whereof are specified in Scheduled 'C' shall be leviable on—

(a) every vehicle, other than children's parambulators, tricycles, and

(b) every animal used for driving draught or burden which enters the Municipal limits :

Provided that the toll shall not be leviable on any such vehicles or animal more than once on any one date.

(2) The following vehicles or animals shall be exempted from the levy of the toll :—

(a) those belonging to the Government and the Committee but not used or intended to be used for purposes of profit;

(b) those used as conveyance of Government or District Board officials, or their luggage, while travelling on duty ;

(c) those used for the conveyance of persons or property in the custody of a police officer ;

(d) those belonging to agriculturists, and kept within the municipal limits and used for agricultural work ;

(e) those for which vehicle and animal tax under section 105 has been paid ;

(f) animals drawing a vehicle on which the toll is levied;

(g) those exempted by the Government by a general or special order.

(3) When by an order made under clause (g) of sub-section (2), the Government exempts the through traffic through the limits of the Municipality, the Government may, in consultation with the Committee fix the routes therefor.

(4) Any owner of a vehicle or animal may commute payments of the toll at such rates and in such manner as may be prescribed.

Pilgrim tax.

108. (1) A pilgrim tax subject to a maximum of eight annas and a minimum of two annas per capita per day, shall be leviable at a flat rate on persons over twelve years of age, visiting a shrine, Urs or Jatra within the limits of the Municipality.

(2) Unless otherwise decided by a resolution passed ty two thirds of the total number of members, no portion of the proceeds of such tax shall expended for purposes other than making arrangements for the health and comfort of the pilgrims resorting to or the improvement or development of such local area.

Octroi at what rates and on what articles leviable.

109. Except as hereinafter provided, octroi, at rates not exceeding those respectively specified in Schedule 'D' shall be levied in respect of the several articles mentioned in the said schedule or of so many of them as the Committee shall from year to year, determine when the said articles are imported from any place into the Municipality.

Tables of rates of octroi to be affixed on certain places.

110. The Committee shall cause tables of octroi for the time being leviable, specifiying the rates at which and the articles on which the same are leviable to be published in the daily newspapers having a circulation in the area under the jurisdiction of the Committee and to be affixed in a conspocuous positon at every place at which the same octroi is levied.

Exemption of articles belonging to Government from octroi and refund of octroi on articles becoming property of Government.

111. (1) No Octroi shall be leviable on any article which, at the time of its importation, is certified by an officer empowered by the Government in this behali to be the property of the State, to be used or intended to to be used solely for public purposes and not to be used or intended to be used for purposes of profit.

(2) If any article on which octroi is payable is imported under a written declaration signed by the importer that such article is being imported for the purpose of fulfilling a specified contract with the Government or otherwise for the use of the Government the amount if any, of the octroi paid theron shall be refunded in full, on production, at any time within six months after importation, of a certificate signed by an officer empowered by the Government in this behalf stating that the article so imported has become the property of the Stae, is used or intended to be used solely for a public purpose and is not used or intended to be used for purposes of profit.

Exemption of articles imported for immediate exportations.

112. Any article imported into the Municipality for the purpose of immediate exportation may at the option of the importer be exempted from the levy of octroi if such article is conveyed direct from the place of import, to the place of export by such routes, within such time, under such supervision and on payment of such fees therefor as shall be determined by the Committee.

Refund of octroi on export.

113. (1) When any article upon which octroi has been paid shall be exported, from the Municipality, the full amount of the octroi so paid, shall, subject to the provisions hereinafter contained be refunded.

(2) Such refunds shall be paid under such rules as shall from time to time be framed in this behalf.

Entertainment tax.

114. The Entertainment Tax shall be levied on all payments for admission to a theatre, cinema, carnival or to any other place of entertainment at rates the maximum and minimum whereof are specified in Schedule 'E':

Provided that the entertainment tax shall not be leviable in respect of entertainment, performance or show—

(a) for admission to which no charge or only a nominal charge as may be prescribed is made;

(b) which is not open to the general public on payment;

(c) the proceeds of which are intended to be utilised for a public, charitable, educational or cultural purpose.

Other fees etc.

115. The Committee may levy and collect any one or more of the following fees as may appear to it proper and subject to the provisions of chapter VI form out such fees on such terms and such conditions as it may deem fit—

(a) fees on vehicles or pack animals bringing goods for sale into a public market;

(b) fees for the use of or for the right to expose goods for sale in a public market;

(c) fees for the registration of cattle sold within Municipal limits;

(d) fees for the animals brought for slaughter in the Committee's slaughter houses.

Water pipe connection fee.

116. Subject to such rules as may be prescribed, the Committee may levy and collect fees for the supply of water through metered or unmetered private pipe connections.

Power to charge fees for licences.

117. If any licence is granted by a committee under this Act or any rules or bye-laws made thereunder or if permission is given by a Committee for making any temporary occupation of any public street, the Committee may charge a fee for such licence or permission.

Power to charge rent or fees for the use of buildings or lands.

118. The Committee, or any person generally or specially authorised by the Committee in this behalf, may collect such rent or fees as may be fixed by bye-laws made under this Act for the use of any building or land belonging to or under the control of the Committee.

Procedure in imposing taxes.

119. (1) No tax shall be imposed under section 96 unless the Committee shall, at a special meeting convened for that purpose, have passed a resolution proposing the imposition of such tax:

Provided that in the case of pilgrim tax leviable under section 108 no such resolution shall be valid unless passed by a majority of two thirds of the total number of mebers.

(2) When such a resolution has been passed the committee shall publish, as prescribed, a notice defining the class or persons or description of property proposed to be taxed, the rate of tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant of the Municipality objecting to the proposed tax may, within thirty days from the publication of the notice submit his objection in writing to the Committee.

(4) The Committee shall take the proposals and all objections received thereto into consideration at a special meeting and shall determine by resolution to levy the tax. Such resolution shall specify the rate at which and the date from which such tax shall be levied. If the Committee decides to modify the proposals so as to affect their substance it shall publish them again in the manner specified in sub-section (2).

(5) When the Committees shall have determined to levy any tax it shall publish a notification in the official Gazette and in such other manner as may be prescribed specifying the rate at which and the date from which such tax shall be levied.

(6) A notification of the imposition of a tax under this section shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Act and the rules made thereunder.

Procedure for abolishing or varying taxes.

120. (1) The Committee may, at a special meeting pass a resolution to propose the abolition of any tax already imposed under section 119 or a variation in the rate thereof.

(2) Any such proposal shall be dealt with according to the procedure laid down in section 119 for the imposition of a new tax, and the notification of the abolition or variation of a tax under this section shall be conclusive prof that such abolition or variation has been made in accordance with the provisions of this Act and the rules made thereunder:

Provide that if a Committee is indebted to the Government the rates of the taxes already levied shall not be reduced without the sanction of the Government.

Procedure of suspending or exempting from taxes.

121. The Committee may by a resolution passed at a special meeting, by a majority of two-thirds of the total number of members, suspend the operation of any tax within any part of the Municpality for any specified period, or exempt in whole or in part from the payment of any tax any person or class of persons or any property or description of property.

Power to make rules regulating imposition and collection of fees.

122. The Government may make rules regulating the imposition and collection of fees leviable under this Act, and fix the maximum and minimum rates therefor where such maximum and minimum rates have not been fixed by this Act.

(2) Assessment of taxes.

Power to call for information.

123. The Committee or any officer authorised by it in this behalf may by notice call upon any inhabitant of the Municipality to furnish within a reasonable time such information as may be necessary in order to ascertain—

(a) whether such inhabitant is liable to pay any tax imposed under this Act, and

(b) the amount at which he should be assessed.

Assessment not invalid for defect of form.

124. No assessment and no charge or demand of any tax under the authority of this Act shall be invalid by reason of any clerical error other defct of form, and when any property is described for the purpose of assessing any such tax, it shall be sufficient to describe it in such a manner that it shall be generally known and it shall not be necessary to name the owner or occupier.

(3) Collection of taxes.

Lease of the right to collect tolls and other fees.

125. (1) Subject to the provisions of Chapter VI, the Committee may generally by public auction or otherwise by private contract, lease the right to collect toll which may be imposed under clause (d) of section 96 or fees which may be imposed under section 115 :

Provided that the lessee shall give sufficient security for the due fulfilment of the conditions of the lease.

(2) Where a lease has been given under sub-section (1) the lessee and any person employed by him to collect tolls and fees shall, subject to the conditions of the lease, have the power referred to in sub-section (1) of section 130.

(3) Any sum due from a lessee to a Committee in respect of any toll or fees, leased under this section may be recovered as arrears of tax.

Distraint.

126. (1) When any amount on account of tax, fee, contract auction, lease or any other money claimable under this Act or any fine imposed under this Act or the rules or bye-laws made thereunder is due, the Committee shall, with the least practicable delay, cause to be presented to the person liable for the payment thereof a bill for the sum claimed as due.

(2) Every such bill shall specify—

(a) the amount of tax or any other money due to the Committee;

(b) the period for which it is due; and

(c) the liability that will be incurred in default of payment.

(3) If the person to whom a bill has been presented as aforesaid does not within 30 days from the presentation thereof either—

(a) pay the sum claimed as due in the bill—

(b) show cause to the satisfaction of the Committee or such officer as the Committee may appoint in this behalf why he should not pay the same; or

(c) prefer an appeal in accordance with the provisions of section 129,

the Committee may cause to be served upon the person liable for the payment of the said sum a notice of demand in Form I of schedule 'F'.

(4) If the person to whom a notice of demand been served under sub-section (3) does not within 15 days from the service of such notice, pay the sum demand in the notice, such sum with all costs of recovery may be recovered under a warant caused to be issued by the Committee in Form II of schedule 'F' or by distress and sale of the movable property of the defaulter.

(5) Every warrant issued under this section shall be signed by the Executive Officer of the Municipality.

(6) Where the property is within the limits of the Municipality, the warrant shall be addressed to a Municipal Officer, where the property is within the limits of another Municpality constituted under this Act or within the jurisdiction of a Corporation Constitu-

ted under the Hyderabad Municipal Corporations Act, 1955 (II of 1956), the warrant shall be addressed to the President of the Municipality or to the Commissioner of the Corporation concerned or to the Tahsildar of the taluq.

(7) It shall be lawful for an officer to whom a warrant issued under this section is adressed, if the warrant contains a special order authorising him in this behalf but not otherwise to break open at any time between sunrise and sunset any outer or inner door or window of a building, in order to make the distress directed in the warrant, where he has reasonable grounds for believing that such building contains property which is liable to be attached under the warrant and if, after notifying his authority and purpose and duly demanding admittance, he cannot otherwise obtain admittance:

Provided that such officer shall not enter or break open the door of any apartment set apart for women until he has given sufficient notice of his intention to enter or break open and has given such women an opportunity to remove themselves.

(8) It shall also be lawful for any such officer if authorised by the warrant, to distrain, wherever it may be found, any movable property of the person named in the warrant issued under this section, subject to the following conditions, exceptions and exemptions namely:—

The following property shall not be distrained :—

(a) the necessary wearing apparel, cooking vessels, beds and bedding of the defaulter, his wife and children and such personal ornaments as in accordance with religious usage, cannot be parted with by any woman.

(b) tolls of artisans and where the defaulter is an agriculturist, his implements of husbandry and such cattle and seedgrain as may be necessary to enable him to earn his livelihood as such.

(c) the distress shall not be excessive, that is to say, the property distrained shall be as nearly as possible equal in value to the amount recoverable under the warrant, and if any articles have been distrained which, in opinion of the Executive Officer, should not have been so distrained, they shall forthwith be released from attachment.

(d) the officer shall, on distraining the property, forthwith make an inventory thereof and shall before removing the same, give to the person in possession

thereof at the time of distraint a copy of the inventory and a written notice in Form III of schedule 'F'.

(9) When the property seized is subject to speedy and natural decay, or when the expenses of keeping it in custody together with the amount to be levied is likely to exceed its value, the Executive Officer shall at once give notice to the person in possession thereof at the time of distraint, to the effect that it will be sold at once and shall sell it accordingly unless the amount specified in the warrant be forthwith paid.

(10) If the property seized is not sold at once under sub-section (9), the property distrained or a sufficient portion therof, may, unless the warrant is suspended by the Executive officer of the sum due by the defaulter, together with all costs incidental to the notice, warrant, and distress and detention of the property, is paid, on the expiry of the time specified in the notice served by the officer, executing the warrant, be sold by public auction and the proceeds or such part thereof as shall be requisite, shall be applied in discharge of the sum due and of all such incidental costs as aforesaid.

(11) The surplus, if any shall be forthwith credited to the Municipal fund, notice of such credit being given at the same time to the person in whose possession the property was at the time of distraint. If the surplus amount is claimed by a written application to the Committee within one year from the date of the notice given under this sub-section, a refund thereof shall be made to such person. Any sum not claimed within one year from the date of such notice shall be the property of the Committee.

(12) Where the warrant is addressed outside the Municpality, the authority issuing the warrant may by endorsement direct the officer to whom the warrant is addressed to sell the property distrained and in such a case it shall be lawful for such officer to sell the property and to do all things incidental to the sale and the foregoing provisions shall apply **mutatis mutandis.** Such officer shall, after deducting all costs of recovery incurred by him, remit the amount recoverd under the warrant to the authority by whom it was issued, who shall dispose of the same in accordance with provisions of this section.

(13) The fee for—

(a) every warrant issued under sub-section (5),

(b) every distress made under sub-section (8) and

(c) the cost of maintaining any livestock seized under this section,

shall be chargeable at the prescribed rates and shall be included in the costs of recovery.

Recovery from defaulters about to leave jurisdiction of Committee, fees, etc.

127. (1) If the Committee shall at any time have reason to believe that any person from whom any sum recoverable under the provisions of this Chapter is due or is about to become due, is likely to leave the jurisduction of the Municpality, the Committee may cause a bill for the sum due or about to become due to be presented to such person and demand immediate payment thereof.

(2) If on presentation of such bill, the said person does not forthwith pay the sum due or about to become due by him, the amount shall be leviable by distress and sale of the movable property of the defaulter in the manner hereinbefore mentioned except that it shall not be necessary to serve upon the defaulter any notice of demand and the warrant for distress and sale may be issued and executed without any delay.

Limitation for recovery proceedings.

128. No distraint shall be made for the recovery of any sum due to a Committee under this Act after the expiration of six years from the date on which such sum becomes due. The Committee may within three years after the expiry of the said period of six years institute a suit for recovery of the said sum.

Appeal to the District Judge.

129. (1) An appeal against any claim included in a bill presented under sub-section (1) of section 126 shall lie to the District Judge with whose jurisdiction the Municipality is situated.

(2) No apppeal under sub-section (1) shall lie unless—

(a) the appeal is preferred within 30 days after presentation of the bill complained of;

(b) the amount claimed from the appellant has been deposited by him in the office of the Committee.

(3) The decision of the District Judge shall be final, but the High Court may at any time either of its own accordance or at instance of either party, revise the said order.

(4) The Committee shall give effect to the decision of the said District Judge or of the High Court, as the case may be.

(5) The following Court fee shall be levied on appeal and application for revision:—

(a) on appeal filed before the District Judge—One rupee.

(b) on revision filed before the High Court—Two rupees.

Procedure in case of non-payment of toll.

130. (1) If any toll leviable under section 107 or fees leviable under section 115 is not paid on demand, the person appointed to collect it may seize and detain such portion of the load of any animal or vehicle on which the toll or fee is chargeable or such portion of the goods exposed or about to be exposed for sale by the person from whom it is due, as in his opinion will suffice to defray the amount of toll or fee due; and in the absence of any load on an animal or vehicle on which a toll or fee is chargeable or if the value of the load is not enough to derfay the sum due, may seize and detain the animal or vehicle.

(2) All property seized under sub-section (1) shall be sent within twenty four hours to the executive officer or such officer as he may authorise in this behalf, and the Executive Officer or such officer shall forthwith give notice to the proprietor of the property seized or if the proprietor is not known, or is not resident within the limits of the Municipality, to the person who was in charge of the said property at the time when it was seized, or if such person cannot be found, publish by beat of drum that after the expiry of the four days from the date of the service or publication of such notice, the property shall be sold by auction at a place specified in the notice:

Provided that when any property seized is subject to speedy and natural decay, it shall be taken forthwith to the Executive officer or such officer as he may authorise in this behalf, and the Executive officer or such officer shall cause it to be sold.

(3) If at any time before the sale is complete the amount due together with all charges incurred in connection with the seizure, detention and publication by beat of drum and proceedings of sale is tendered to the Executive Officer or to the officer authorised as aforesaid, the property seized shall forthwith be released.

(4) If no such tender is made, the sale of the property may be completed and the proceeds of the sale applied to the payment of—

(i) the amount due on account of the toll or fee;

(ii) the charges incurred in connection with the seizure, detention, publication by beat of drum and sale.

Liability of land, buildings, etc. for taxes.

131. Any tax or sum leviable under this Act in respect of any building or land shall, subject to prior payment of land revenue, if any, due to Government thereupon, be a first charge upon the building or land, in respect of which the said tax or sum is leviable, and upon the movable property, if any found belonging to the person liable for such sum or tax:

Provided that no arrears of any such sum or tax shall be recovered from any occupier who is not the owner, if it has been due for more than one year or for a period during which such occupier was not in occupation:

Provided further that in the absence of a contract expressed or implied to the contrary, if any sum is paid by or recovered from an occupier under this Act, he shall be entitled to credit therefor in acount with the person primarily liable for the same.

Receipts to be given for all payments.

132. For all sums paid on account of any tax under this Act, a receipt stating the amount and the tax on account of which it has been paid, shall be tendered by the person reciving the same.

Bar of suit and other proceedings.

133. No objection shall be taken to any valuation, assessment or levy of tax nor shall the liability of any person to be assessed or taxed be questioned by any authority other than that provided for in this Act.

Refunds.

134. No refund of any tax shal be claimed by any person otherwise than in accordance with the provisions of this Act and the rules made thereunder.

Power to write-off irrecoverable taxes.

135. Subject to such rules as may be prescribed, the Committee may, with the approval of the Government write-off any tax, fee or other amount due to it which in its opinion is irrecoverable:

Provided that where the amount is due not under a contract, the Municipal Committee or a Town Committee may write off the amount upto Rupees five hundred and Rupees Two hundred and Fifty respectively:

Provided further that no amount shall be written off unless a resolution to that effect is passed by three-fourths of the total number of members of the Committee.

Recovery of arrears of taxes and other dues.

136. Notwithstanding any other mode of recovery provided by this Act, any arrear of any tax or any amount due to the Committee under a contract, agreement, lease, auction, security or indemnity bond or otherwise or any other money due to the Committee under this Act or the rules or bye-laws made thereunder together with any sum on account of process fees which may be fixed by rules made under this Act and with interest at a rate not exceeding six and a quarter per centum per annum, shall also be recoverable on the application of the Committee as if it were arrears of land revenue :

Provided that no interest shall be so recovered in any case in which the competent revenue officer, for reasons to be recorded in writing, considers it inexpedient that interest should be charged.

CHAPTER X.

POWERS TO REGULATE STREETS AND BUILDINGS.

(1) Streets.

Power regarding streets, etc.

137. (1) It shall be lawful for the Committee to lay out and make new public streets, and to construct tunnels and other works subsidiary to the same, and to widen, open, enlarge or otherwise improve such streets.

(2) In laying out or making or in turning, diverting, widening, opening, enlarging or otherwise improving any public street, the Committee may in addition to the land required for the carriage-way and foot-ways and drains thereof, purchase such land as may be necessary for the houses and buildings to form the said street.

(3) When the Committee considers that in any street, not being a public street, or in any part of such street, within the Municipality, it is necessary for public health, convenience or safety that any work should be done for the levelling, paving, metalling, flagging, channelling, draining, lighting or cleaning therof, the Committee may, by written notice require the respective owners of the lands or buildings fronting, adjoining or abutting upon such street or part thereof, to carry out such work in a manner and within a time to be specified in such notice.

(4) If such notice is not complied with during the time specified, the Committee may, if it thinks fit, exe-

cute the work mentioned or referred to therein and may recover as arrears of municipal tax the expenses incurred in doing so from the owners in default according to the frontage of their respective lands or buildings and in such proportion as may be decided by the Committee.

(5) After such work has been carried out by such owners or, as provided in sub-section (4) by the Committee at the expense of such owners the street or part thereof in which such work has been done may, and on the joint requisition of a majority of the said owners shall be declared by a public notice, put up at the street or part thereof by the Committee, to be public street.

(6) The Committee may, at any time by notice fixed up in any street or part of a street not maintainable by the Committee give intimation of its intention to declare the same a public street, and unless within one month next after such notice has been so put up, the owner or the majority of owners of such street or such part of a street lodges or lodge objections thereto at the office of the Committee the Committee may by notice in writing put up in such street, or such part declare the same to be a public street.

(7) Any person aggrieved by an order rejecting his objection against the notice issued under sub-section (3), may appeal within 30 days from the date thereof to the Collector, who shall give the appellant and the Committee a reasonable opportunity of being heard.

(8) The appellate authority may for sufficient cause, extend the period allowed for appeal.

Powers to close streets and to permit temporary occupation of streets.

138. (1) The Committee may—

(a) close temporarily any public street or any part therof for the purpose of repairs or of constructing any sewer, drain, culvert or bridge or for any other public purpose ;

(b) divert, discontinue or close permanently any public street, subject to any rules made under this Act.

(2) The Committee may grant permission in writing for the temporary occupation of any street or land vested in the Committee for the purpose of depositing any building materials or making any temporary exacavation therein or erection theron subject to such conditions as may be prescribed for the safety or convenience of persons passing by or dwelling or working in the neigh-

bourhood and may at its discretion withdraw the permission.

Powers to specify building line and street alignment.

139. The Committee may—

(a) Specify for any public street a building line or a street alignment or both;

(b) from time to time specify a fresh line in substitution for any line so specified or any part thereof:

Provided that in either case—

(i) at least one month previous to specifying such line or such fresh line, as the case may be, the Committee shall give public notice of the proposal and shall put up special notice thereof in the street or part of the street for which such line or such fresh line is proposed to be specified,

(ii) the Committee shall consider all objections to the said propsal made in writing and delivered at the office of the committee within such time as may be specified in such public or special notice.

Building not to be constructed within street alignment or building line.

140. (1) No person shall construct any portion of any building within a street-alignment defined under section 139.

(2) No person shall erect or add to any building between a street-alignment and a building line specified under section 139 except with the permission of the Committee.

Setting back projecting building or walls.

141. (1) When any building or part thereof abutting on a public street is within a street-alignment specified under section 139, the Committee may, whenever it is proposed—

(a) to rebuild such building or to take it down to an extent exceeding one-half thereof above the ground-level, such half to be measured in cubic feet, or

(b) to remove, reconstruct, or make any addition to any portion of such building within the street-alignment in any order which it may issue concerning the rebuilding, alteration or repair of such building, require such building to be set back to the street-alignment.

(2) When any building or any part thereof, within the street-alignment, falls down, or is burnt down, or is, whether by order of the Committee or otherwise, taken down, or when any private land without any building thereon lies within the street-alignment, the Committee

may forthwith take possesion of the portion of the land within the street-alignment and if necessary acquire it.

(3) Land acquired under this section shall be deemed a part of the public street and shall vest in the Committee.

(4) When any building is set back in pursuance of any requisition made under sub-section (1), or when the Committee takes possession of any land under sub-section (2), the Comittee shall forthwith make full compensation to the owner for any damage in respect thereof.

Power to allow building to be set forward.

142. The Committee may, subject to such conditions as it may deem necessary allow any building to be set forward for the improvement of the line of the street.

Prohibition of immovable encroachments upon street, etc.

143. (1) No person shall, without written permission of the Committee, build or erect any immovable encroachment upon the ground-level of any street or over or on any sewer, drain or water-course, or build or make any immovable over-hanging structure projecting into a street at a point above the said ground-level.

(2) When any person has been convicted under section 274 the Committee may—

(a) by notice, require such person to remove the encroachment or overhanging structure and, where necessary to restore the street, sewer, drain or water-course to the condition it was in before the encroachment, and

(b) if the requirement is not complied with within the time fixed in the notice, have the required act done by its officers at the expense of such person and recover the cost of the required act from such person as an arrear of municipal tax.

Prohibition of movable encroachments upon street, etc.

144. (1) No person shall, without the written permission of the Committee—

(a) place in front of any building any movable encroachment upon the ground-level of any street or over or on any sewer, drain, or water-course any movable overhanging structure projecting into the street at a point above the said ground-level,

(b) take up or alter the pavement or other materials or the fences or parts of any street,

(c) deposit building materials, goods for sale, or other articles of merchandise on any street,

(d) make any hole or excavation on, in or under any street, or remove materials from beneath any street, so as to cause risk of subsidence.

(2) The Committee may—

(a) remove or cause to be removed by the police any such movable encroachments or overhanging structures and any such materials, goods or articles of merchandise,

(b) order the encroacher summarily to restore the street to the condition it was in before any such alteration, excavation or damage, and if he fails to comply with the requisition contained in the notice the Committee may cause the street to be restored to its previous condition and the expenses of such restoration shall be recoverable from the encroacher.

Explanation.—For the purpose of this section "movable encroachment" includes a seat or settle, and "movable overhanging structure" includes an awning of any material.

New streets.

145. (1) Every person intending to lay out or make any new street shall give notice in writing thereof to the Committee, and shall furnish plans and sections showing the intended levels, means of drainage, direction and width of such street, and the levels, means of drainage, direction and width of every such street shall be fixed or approved by the Committee :

Provided that such person and the Committee shall be bound to comply with the requirements of a master plan, town development plan or local lay-out sanctioned under section 244.

(2) Before passing an order under sub-section (1) the Committee may either—

(a) issue a provisional order directing that for a period therein specified, which shall not be longer than two months from the date of such order, the intended work shall not be proceeded with, or

(b) demand further particulars.

(3) If within two months from the receipt of the notice given under sub-section (1), the Committee have, neither passed orders and served notice thereof either fixing or disapproved the proposals submitted under sub-section (1), nor, under sub-section (2) issued any provisional order or demand for further particulars, or if the Committee, having issued such demand for, and having received, in

accordance with the demand and with the rules prescribed in this behalf, such further particulars, have issued no further orders within two months, from the receipt of such particulars, then the street may be laid out and made in such manner as may have been specified in the notice, and as is not inconsistent with any provision of this Act or of any rule or bye-law made thereunder,

Power to name street and number buildings

146. The Committee may subject to any rules prescribed in this behalf, cause a name to be given to any street and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building, and in like manner may, from time to time, cause such names and numbers to be altered.

Power to attach lamp brackets to buildings.

147. The Committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any damage thereto or inconvenience.

Regulations as to sky-signs.

148. (1) No person shall, without the written permission of the Committee, erect, fix or retain any sky-sign, whether now existing or not, and no such written permission shall be granted or renewed, for any period exceeding two years from the date of each such permission or renewal:

Provided that in any of the following cases a written permission or renewal by the Committee under this section shall become void, namely:—

(a) If any addition to the sky-sign be made except for the purpose of making it secure under the direction of the Municipal Engineer;

(b) If any change be made in the sky-sign or any part thereof;

(c) If the sky-sign or any part thereof fall either through accident, decay or any other cause;

(d) If any addition or alteration be made to, or in, the building or structure upon or over which the sky-sign is erected, fixed or retained, if such addition or alteration involves the disturbance of the sky-sign or any part thereof;

(e) If the building or structure upon or over which the sky-sign is erected, fixed or retained become unoccupied or be demolished or destroyed.

(2) Where any sky-sign shall be erected, fixed or retained upon or over any land, building, or structure, save and except as permitted as hereinbefore provided, the owner or person in occupation of such land, build-

ing or structure shall be deemed to be the person who has erected, fixed or retained such sky-sign in contravention of the provisions of this section unless he proves that such contravention was committed by person not in his employment or under his control, or was committed without his connivance.

(3) If any sky-sign be erected, fixed or retained contrary to the provisions of this section, or after permission for the erection, fixing or retention thereof for any periods shall have expired or become void, the Committee may, by written notice require the owner or occupier of the land, building or structure, upon or over which the sky-sign is erected fixed or retained to take down and remove such sky-sign.

Explanation:—The expression 'sky-sign' shall in this section mean any word, letter, model, sign, device or representation in the nature of an advertisement, announcement or direction supported on or attached to any post, pole, standard frame-work or other support wholly or in part upon or over any land, building or structure which, or any part of which sky-sign, shall be visible against the sky from some point in any street and includes other support. The expression 'sky-sign' shall also include any balloon, parachute, or other similar device employed wholly or in part for the purposes of any advertisement, announcement or direction upon or over any land, building or structure or upon or over any street, but shall not include—

(a) any flagstaff, pole, vane or weathercock, unless adapted or used wholly or in part for the purpose of any advertisement, announcement or direction;

(b) any sign, or any board frame or other contrivance securely fixed to or on the top of the wall or parapet of any building or on the cornice or blocking course of any wall, or to the ridge of a roof:

Provided that such broad, frame or other contrivance be of one continuous face and not open work and does not extend, in height more than three feet above any part of the wall, or parapet or ridge to against, or on which it is fixed or supported;

(c) any word, letter, model, sign, device or representation as aforesaid, relating exclusively to the business of a railway administration, and placed wholly upon or over any railway, railway station, yard, plat-

for or station approach belonging to a railway administration, and so placed that it cannot fall into any street or public place ;

(d) any notice of land or buildings to be sold, or let, placed upon such land or buildings.

Regulation and control of advertisements.

149. (1) No person shall, without the written permission of the Committee, erect, exhibit, fix or retain any advertisement whether now existing or not, upon any land, building, wall, hoarding or structure:

Provided always that such permission shall not be necessary in respect of any advertisement which is not an illuminated advertisement nor a sky-sign and which—

(a) is exhibited within the window of any building;

(b) relates to the trade or business carried on within the land or building upon which such advertisement is exhibited or to any sale or letting of such land or building or any effects therein, or to any sale, entertainment or meeting to be held upon or in the same land or building or to the trade or business carried on by the owner of any vehicle upon which such advertisement is exhibited ;

(c) relates to the business of any railway administration ;

(d) is exhibited within any railway station or upon any wall or other property of a railway administration, except any portion of the surface of such wall or property fronting any street.

(2) Where any advertisement shall be erected, exhibited, fixed or retained after three months from the coming into force of this Act, upon any land, building, wall, hoarding or structure save and except as permitted or exempted from permission as hereinbefore provided, the owner or person in occupation of such land, building, wall, hoarding or structure shall be deemed to be the person who has erected, exhibited, fixed or retained such advertisement in contravention of the provisions of this section unless he proves that such contravention was committed by a person not in his employment or under his control or was committed without his connivance.

(3) If any advertisement be erected, exhibited, fixed or retained contrary to the provisions of this section after the written permission for the erection, exhibition,

fixing or retention thereof for any period shall have expired or become void, the Committee may by notice in writing require the owner or occupier of the land, building, wall, hoarding or tructure upon which the same is erected, exhibited, fixed or retained, to take down or remove such advertisement.

(4) (a) The word 'structure' in this section shall include a tram-car, omnibus and any other vehicle, and any movable board used primarily as an advertisement or an advertising medium; and

(b) the expression 'illuminated advertisement' in this section shall not include an illuminated display of goods, if such display—

(i) is of goods merely bearing labels showing the name of the article or of its manufacturer or of both, and

(ii) is made by lighting which is not, in the opinion of the Committee, more than is necessary to make the goods and lables visible at night.

(2) ERECTION OF BUILDINGS.

Erection or re-erection of buildings.

159. (1) No person shall erect or re-erect or commence to erect or re-erect any building without the sanction of the Committee.

(2) Every person who intends to erect or re-erect a building shall give notice in writing to the Committee of such intention and shall furnish at the same time, if required, by rules prescribed in this behalf to do so—

(a) the title deed or deeds, if any, relating to the site of such proposed building or buildings;

(b) a site plan of the land on which it is intended to erect or re-erect such building and a plan and specification of the building.

(3) Every notice given under sub-section (2) shall be accompanied by such further information, documents and plans as may be prescribed.

(4) No notice under sub-section (2) shall be considered to be valid until the information, if any, required by rules prescribed in this behalf has been furnished to the satisfaction of the Committee.

(5) Nothing contained in this section, and no other provision of this Act for regulating the erection or re-erection of buildings, shall apply to any building which is used or required for public service or for any public pur-

pose and is the property, or in the occupation, of the Government or is to be erected by the Government :

Provided that before the erection or re-erection of any such building as is mentioned sub-section (5) is begun, the Government shall cause reasonable notice of the proposed work to be given to the Committee, and shall consider any written objections or suggestions which the Committee may make, and after such enquiry as it shall think advisable, pass orders thereon, and the building concerned shall be erected or re-erected in accordance with such orders; and in passing such orders should the Government over-rule or disregard any such objection or suggestion as aforesaid, it shall give its reasons for so doing in writing to the Committee.

Mode of or refusing sanction.

151. (1) Within one month after the receipt of the notice required by sub-section (2) of section 150 the Committee may refuse to sanction the erection or re-erection of building or may sanction it either absolutely or subject to such directions as it may deem fit in respect of all or any of the matters prescribed in this respect, and the person erecting any such building as aforesaid shall comply with the sanction of the Committee as granted in every particular:

Provided that, should the Committee omit or neglect for two months after the receipt of a valid notice to make and deliver to the person who has given such notice, an order of sanction or of refusal in respect thereof, and such person has by written communication called the attention of the Committee to the omission or neglect, and such omission or neglect continues for a further period of 15 days, the Committee shall be deemed to have sanctioned the erection or re-erection of the proposed building absolutely.

(2) The Committee shall not refuse to sanction the erection or re-erection of a building except on the following grounds :—

(a) that the work, or use of the site for the said work or any of the particulars comprised in the site plan, ground plan, elevations, sections or specifications would contravene some specified provision of any law for the time being in force or some specified order, rule, declaration or bye-law made under any law;

(b) that the notice given under sub-section (2) of section 150 does not contain the particulars or is not

prepared in the manner required by the rules or bye-laws made under this Act;

(c) that no adequate provision has been made for the Committee under the rules or bye-laws made under this Act has not been duly furnished;

(d) that any document produced has not been signed as required under the rules or bye-laws made under this Act;

(e) that no adequate provision has been made for the location or laying-out of the street;

(f) that it contravenes any general scheme sanctioned by the Government restricting the erection or re-erection of buildings or any class of building within the specified limits;

(g) that it is not in accordance with the master plan or town development plan or local lay-out sanctioned by the Government.

(3) Whenever the Committee refuses to approve a building site for a building or to sanction the erection or re-erection of a building, the reasons for such refusal shall be specifically stated in the order.

Procedure where no rules are framed.

152. In any case in which no rules have been made under clause (xxv) of sub-section (2) of section 309, in respect of erection or re-erection of buildings, the Committee may, within 14 days of the receipt of the notice under sub-section (2) of section 150 require the person who has given such notice to furnish, within one week of the receipt by him of the requisition, information on all or any of the matters as to which rules might have been made, and in such case the notice shall not be valid until such information has been furnished.

Lapse of sanction.

153. Where the erection or re-erection of a building so sanctioned is not begun by the person who has obtained such sanction, or by someone lawfully claiming under him, within one year from the date when such sanction is given, it shall not be begun without fresh sanction.

Power of Committees when orders are disobeyed.

154. If erection or re-erection of a building is commenced or carried out—

(a) without sanction as required by sub-section (1) of section 150, or

(b) when sanction has been refused,

(c) in contravention of the terms of any sanction, or

(d) when the sanction has lapsed under section 153, or

(e) in contravention of the provisions of this Act or any rule made thereunder; or

(f) in contravention of any rule made for master plan or town development plan or local lay-out sanctioned under section 244 the Committee may, by notice require that the said work shall be stopped and within a reasonable time the building be altered or demolished, as the Committee may deem necessary:

Provided that the Committee may, instead of requiring the alteration or demolition of any such building, other than one to which clause (f) applies, accept by way of compensation such sum as it may deem reasonable.

Rights to compensation.

155. No compensation shall be claimable by an owner for any damage which he may sustain in consequence of a prohibition under this Act in respect of the erection or re-erection of any building.

Regulation of huts.

156. (1) It shall not be lawful for any person to erect any hut or shed or range or block of huts or sheds, or to add any hut or shed to any range or block of huts or sheds already existing when this Act comes into force, without the sanction of the Committee, under sub-section (1) of section 150 and the Committee may require such huts or sheds to be so built that they may stand in regular lines, with a free passage or way in front of and between every two lines of such width as the Committee may think proper for ventilation and to facilitate scavenging, and at such a level as will admit of sufficient drainage, and may require such huts to be provided with such number of privies and such means of drainage as the Committee may deem necessary.

(2) If any hut or shed or range or block be built without giving such notice to the Committee, or otherwise than as required by the Committee, the Committee may give written notice to the owner or builder thereof, or to the owner or occupier of the land on which the same is erected or is being erected, requiring him, within such reasonable time as shall be specified in the notice, to take down and remove the same, or to make such alterations therein or additions thereto, as having regard to sanitary considerations, the Committee may think fit.

Improvement of huts.

157. (1) Whenever the Committee is of opinion that any huts or sheds, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Act comes into force or subsequently erected, are by reason of—

(a) insufficient ventilation, or of the manner in which such huts or sheds are crowded together, or

(b) want of a plinth or of a sufficient plinth, or of sufficient drainage, or

(c) impracticability or scavenging attended with risk of disease to the inhabitants or the neighbourhood,

the Committee shall cause a notice to be affixed to some conspicuous part of each such hut or shed requiring the owner or occupier thereof, or the owner of the land on which such hut or shed is built, within such reasonable time as may be fixed by the Committee for that purpose, to take down and remove such hut or shed, or to execute such operations as the Committee may deem necessary for the avoidance of such risk.

(2) In case any such owner or occupier refuses or neglects to take down and remove such huts or sheds or to execute such operations within the time appointed, the Committee may after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection and adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient, cause the said huts or sheds to be taken down and removed or such operations to be performed in respect of such huts or sheds as it may deem necessary to prevent such risk.

(3) If such huts or sheds be pulled down by the Committee, the Committee shall cause the materials of each hut or shed to be sold separately, if such sale can be effected; and the proceeds, after deducting all expenses, shall be paid to the owner of the hut or shed, or if the owner be unknown or the title disputed, shall be held in deposit by the Committee until the persons interested therein shall obtain the order of a competent court for the payment of the same:

Provided that compensation shall be paid to the owners of any huts or sheds pulled down under this section, if such huts or sheds were existing at the time when the land on which they are situated was first included within a Municipality.

Application to be made for construction, establishment or installation of factory, workshop or work-place in which steam or other power is to be employed.

158. (1) Subject to the provisions of the Factories Act, 1948 (LXIII of 1948), every person intending—

(a) to construct or estabish, extend or shift within the limits of a municipality any factory, workshop or work-place in which it is prosposed to employ water, steam, electricity or other mechanical power, or

(b) to instal in any premises any machinery or manufacturing plant driven by any power as aforesaid shall before beginning such construction, establishment, extension, shifting or installation, make an application in writing to the Committee for permission to undertake the intended work.

(2) The application shall be accompanied by—

(i) a plan of the factory, workshop, work place or premises prepared in such manner as may be prescribed;

(ii) such particulars as to the power, machinery, plant or premises as the Committee may require by rules made in this behalf.

(3) The Committee shall, as soon as may be after the receipt of the application—

(a) grant the permission applied for either absolutely or subject to such conditions as it thinks fit to impose, or

(b) refuse permission, if it is of opinion that such, establishment or installation is objectionable by reason of the density of the population in the neighbourhood or that it is likely to cause a nuisance.

(3) DRAINS, SEWERS AND LATRINES

159. (1) The Committee may, by notice, require the owner of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to cause any damage to the street or inconvenience to persons passing along the street.

(2) For the purpose of efficiently draining any building or land, the Committee may, by notice—

(a) require any courtyard, alley or passage between two or more buildings to be paved by the owners of such buildings with such materials and in such manner as may be approved by it, and

(b) require such pavement to be kept in proper repair.

Power to require proper provision for drains, latrines, etc.

160. (1) The Committee may, by notice, require the owner of any building or land to provide, move or remove in such manner as the Committee directs, any drain, privy, latrine, urinal, cess-pool or other receptacle for offensive matter or provide additional drains, privies, latrines, urinals, cess-pools or other receptacles as aforesaid, which should, in its opinion, be provided for the building or land, in such manner and of such pattern as the Committee may direct.

(2) The Committee may, by notice, require any person employing more than twenty workmen or labourers or owning or managing any market, school, theatre or other place of public resort or entertainment to provide such latrines and urinals as it may deem fit, and to cause the same to be kept in proper order and to be daily cleansed:

Provided that nothing in this sub-section shall apply to any factory regulated by the Factories Act, 1948, (LXIII of 1948).

(3) The Committee may, by notice, require the owner or occupier of any building or land to have any privy, latrine or urinal provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood or to remove or alter, as the Committee directs, any door or trap-door of a privy, latrine or urinal opening on to any street or drain.

Power to require alterations of drains, latrines, etc.

161. (1) The Committee may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain, privy, latrine, urinal, cess-pool or other receptacle for offensive matter, or to close any drain, latrine, urinal, cess-pool or receptacle for filth or refuse belonging thereto, or to connect any drain on such building or land with any public drain.

(2) The Committee may, by notice, require any person who may construct any new drain, privy, latrine, urinal, cess-pool or other receptacle for offensive matter without its written permission or in contravention on its direction or of the provisions of this Act, or who may construct, rebuild or open and drain, privy, latrine, urinal, cesspool or other receptacle for offensive matter which the Committee has ordered to be removed or stop-

ped or not to be made, to demolish the drain, privy, latrine, urinal, cess-pool or other receptacle for offensive matter, or to make such alteration therin as it thinks fit.

Disposal of sewage.

162. Subject to the sanction of the Government, the Committee may cause any municpal drain to communicate with, and be emptied into such place as it may deem fit within the Municipality and if necessary for the purpose of disposal or outfall of sewage or any other matter coming through the drains, without the Municipality, but in either case not so as to create a nuisance; and may cause the sewage or other matter from the drains to be collected for sale or used for the improvement of agriculture or for any other purpose whatsoever, but not so as to create a nuisance.

Power to erect ventilation shafts.

163. The Committee may erect upon any premises or land or affix to the outside of any building or structure or to any tree, any such shaft or pipe as it may deem necessary for the proper ventilation of the municipal drains, and such shaft or pipe shall be carried to a height of not less than six feet above the highest part of the adjacent house and erected as not to cause any nuisance or inconvenience to any house in the neighbourhood.

Power to build over drains, pipes, etc.

164. The Committee may, by notice, require any person who, without its written permission may newly erect or rebuild any building over any sewer, drain, culvert, water-course or water-pipe vested in the Committee, to pull down or otherwise deal with the building as it thinks fit.

Removal of projections.

165. (1) The Committee may, by written notice, require the owner or occupier of any building to remove, or alter any projection, encroachment or obstruction which, whether before or after the site of such building became part of the Municipality, shall have been erected or placed against or in front of such building, and which—

(a) overhangs or juts into, or in any way projects or encroaches upon any public street, so as to be an obstruction to safe and convenient passage along such street, or which;

(b) projects and encroaches into or upon any uncovered aqueduct, drain, or sewer in such street so as to obstruct or interfere with such aqueduct, drain or sewer, or the proper working thereof:

Provided always that the Committee shall, if such projection, encroachment or obstruction shall have been made in any place before the date on which such place became part of a municipality, make reasonable compensation to every person who suffers damage by such removal or alteration.

(2) Any person aggrieved by the amount of compensation awarded under clause (b) of sub-section (1), may, within one month form the date of receiving notice of such award, file an appeal to the District Judge. Such appeal shall only be in regard to the adequacy of the compensation awarded.

(4) LAYING AND CONNECTING PIPES, SEWERS AND THE LIKE.

Power to lay and maintain cables, wires, pipes, drains, etc.

166. The Committee may carry any cable, wire, pipe, drain, sewer, or channel of any kind, for the purpose of establishing telephonic or other similar communication, any system of lighting, drainage or sewage, through, across, under, in or over any road, street, or place laid out as, intended for, a road or street, and after, giving reasonable notice to the owner or occupier, through, accross, under, in or over any land or building whatsoever suitable within the limits of the Municipality, and for the purpose of the introduction, distribution, or outfall of water or of the removal or outfall of sewage, without such limits, and may, at all times, do all acts and things which may be necessary or expedient for repairing or maintaining any such cable, wire, pipe, drain, sewer or channel, as the case may be, in an effective state for the purpose for which the same may be used or intended to be used:

Provided that no inconvenience or nuisance shall be created by any such operation, unless the work cannot otherwise be properly executed.

Restriction on above powers.

167. In the event of any cable, wire, pipe, drain, sewer or channel being laid or carried above, the surface of any land or through or over any building such cable, wire, pipe, drain, sewer or channel as the case may be, shall be so laid or carried, as to interfere as little as possible with the rights of the owner or occupier to the due enjoyment of such land or building and, reasonable compensation shall be paid in respect of any substantial interference with any such right to such enjoyment.

Previous notice to be given.

168. Except in cases to which section 214 or section 216 relates, the Committee shall cause not less than twenty-one days notice to be given to the owner or occupier before commencing any operation under sections 166 and 167.

Prohibition regarding making connections without permission.

169. (1) No shall, without the written permission of the Committee, at any time, make, or cause to be made, any, connection or communication with any cable, wire, pipe, drain, sewer, or channel constructed or maintained by or vested in the Ccommittee, for any purpose, whatsoever:

Provided that the Committee may, by resolution, exempt any class of connection or communication from from the provisions of this section.

(2) The Committee may close, demolish, alter or remark any connection or communication made in contravention of the provisions of sub-section (1) and may recover the expenses thereby incurred in the manner laid down in sub-section (4) of section 256.

Permission to carry drains through lands belonging to other persons.

170. (1) If the owner or occupier of any building or land desires to connect such building or land with any municipal drain, by means of a drain to be constructed through the land, or to be connected with a drain, belonging to or occupied by or in the use of some other person, he may make a written application in that behalf to the Committee.

(2) The Committee thereupon after giving to such other person a reasonable opportunity of stating any objection to such application, may if no objection is raised or if any objection which is raised is in its opinion insufficient, by an order in writing authorise the applicant, to carry out the said drain into, through or under the said land, or into the said drain, as the case may be, in such manner and on such conditions as to the payment of rent or compensation and as to the respective responsibilities of the parties for maintaining, reparing flushing, cleaning and emptying the said drains, as may appear to it to be adequate.

(3) Every such order shall be a complete authority to the person in whose favour it is made, or to any agent or other persons employed by him for this purpose, after giving or tendering to the owner or occupier of the said land or drain, the compensation or rent, if any, specified in the said order, and otherwise fulfilling, as far as pos-

sible, the conditions of the said order, and after giving to the said owner or occupier reasonable notice in writing, to enter upon the land specified in the said order with his assistants, and workmen at any time between sunrise and sunset, and subject to all the provisions of this Act, to do all such work as may be necessary—

(a) for the construction or connection of the drain, as may be authorised by the said order,

(b) for renewing, repairing or altering the same, as may be necessary from time to time, or

(c) for discharging any responsibility attaching to him under the term of the order as to maintaining, repairing, flushing, cleaning or emptying the said drain or any part thereof.

Work how to be carried out.

171. In executing any work under section 170 as little damage as possible shall be done, and the owner or occupier of the building or lands for the benefit of which the work is done, shall—

(a) cause the work to be executed with the least practicable delay,

(b) fill in, reinstate and make good, at his own cost and with the least practicable delay, the ground or any portion of any building or other construction opened, broken up or removed for the purpose of executing the the said work, and

(c) pay compensation as assessed by the Committee to any person who sustains damage by the execution of said work.

Rights of owner of land through which drain is carried in regard to subsequent building thereon.

172. If the owner of any land into through or under which a drain has been carried under section 170, whilst such land was not built upon, should at any subsequent time, desire to erect a building thereon, the Commitee shall, if it sanctions the erection of such building, by written notice require the owner or occupier of the building or land, for the benefit of which such drain, etc., was constructed, to close, remove or divert the same and to fill in, reinstate and make good the land in such manner as it may deem to be necessary, in order to admit of the construction or safe enjoyment of the proposed building.

Fittings to be subject to inspection and approval Committee.

173. The ferrules, communication-pipes, connections, meters, stand-pipes and all fittings thereon or connected therewith leading from mains or service cables, wires, pipes, drains, sewers, or channels into any house or land, and the wires, pipes, fittings and works inside any

such house or within the limits of any such land shall, in all cases, be executed subject to the inspection and approval of the Committee.

Power to fix charges for supply and installations of fittings.

174. The Committee may, from time to time, fix charges to be made for the establishment, by it or through its agency of Communications from and, in connection with mains, service, cables, wires and pipes for the supply of lighting, telephones or water, and for meters or other appliances for testing the quantity and quality thereof and may levy such charges accordingly.

CHAPTER XI.

Power to prevent disease and nuisance.

(1) SANITARY AND PREVENTIVE POWERS

Power to prohibit nuiance.

175. Subject to such rules as may be prescribed, the Committee may order any person not to do, or not to omit to do anything, the doing of which, or the omission thereof is a nuisance.

Power to regulate deposit of refuse.

176. The Committee may fix places within the limits of the Municipality for the deposit of refuse, rubbish, offensive matter of any kind or for the disposal of the dead bodies of animals, and may, by public notice, give directions as to the time, manner and conditions at, in and under which such refuse, rubbish, offensive matter or dead dodies of animals may be removed along any street and deposited or disposed of at such places.

Special provisions with respect to disposal of dead bodies of animals.

177. (1) Whenever any animal in the care of any person dies otherwise than by being slaughtered either for sale or consumption, the person in charge thereof shall, within twenty four hours, either—

(a) convey the carcass to a place, if any, fixed by the Committee under section 176 for the disposal of the dead bodies of animals, or

(b) give notice of the death to the Committee, whereupon the Committee shall cause the carcass to be disposed of.

(2) In respect of the disposal of a carcass under clause (b) of sub-section (1) the Committee may charge such fee as it may determine.

(3) For the purpose of this section the word animal shall be deemed to mean any horned cattle, elephant,

camel, horse, pony, ass, mule, deer, sheep, goat, swine or other large animal.

Power to require insanitary buildings or land to be cleansed.

178. If the owner or occupier of any building or land keeps it in an insanitary or unwholesome state, the Committee may, by notice, require him within a reasonable time to cleanse the same or otherwise put it in a proper state and continue to maintain it in a clean and proper state, and, if it appears necessary for sanitary purposes to do so, may at any time, by notice direct the occupier of any building to lime-wash or otherwise cleanse the said building inside and outside in the manner and within the time specified in such notice.

Power to disinfect buildings.

179. If the Committee is of the opinion that the cleansing or disinfecting of a building or any part thereof, or any atricle therein, which is likely to retain infection, will tend to prevent or check the spread of any disease, it may, by notice, require the owner or occupier to cleanse or disinfect the same, in the manner and within the time specified in such notice.

Power to Prohibit use of insanitary buildings.

180. If any building or part of the building appears to the Committee to be unfit for human habitaion in consequence of the want of proper means of drainage, lighting or ventilation or for other sufficient reason, the Committee may by notice, prohibit the owner or occupier of such building or part of such building from using it for human habitation or allowing it to be so used, until the Committee is satisfied that it has been rendered fit for such use.

Power to require unoccupied buildings to be made secure.

181. The Committee may, by notice, require the owner or part-owner or any person claiming to be owner or part-owner of any building or land which, by reason of abandonment or disputed ownership, or other cause, remains unoccupied and thereby becomes a resort of idle and disorderly persons, or otherwise a nuisance, to secure or enclose the same within a reasonable time specified in the notice.

Power to require dangerous places to be made safe.

182. If any building or any well, tank, reservoir, pool, depression or excavation is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, the Committee may by notice, require the owner or the occupier thereof to repair, protect or enclose the same; and if it appears to the Committee to be

necessary in order to prevent imminent danger, the Committee shall forthwith take such steps, at the expense of the owner or the occupier, if any as may be necessary to avert the danger.

Troughs and pipes for rain water.

183. The Committee may, by written notice, require the owner of every building in a street to put up and keep in good condition, proper trough and pipes for catching and carrying the water from the roof and other parts of such buildings and for discharging the same, in such manner as it may think fit, so that such water shall not fall upon the persons passing along the streets.

Power to require ruinous structures to be removed or repaired.

184. If any building, wall or structure or anything affixed thereto, or any bank or tree is deemed by the Committee to be in a ruinous state or in any way, dangerous, the Committee may by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure, things, bank or trees, as the Committee may consider necessary for the public safety; and if it appears to the Committee to be necessary in order to prevent imminent danger, the Committee shall forthwith take such steps, at the expense of the owner or occupier, if any, as are necessary to avert the danger.

Opportunity for stating objections.

185. The Committee shall issue a notice under section 182 or section 184 after giving the owner or occupier, as the case may be, a reasonable opportunity of stating any objection and adducing evidence, if any, and after being satisfied that the objection which is raised is invalid or insufficient.

Power to require removal of nuisance arising from tanks and the like.

186. The Committee may, by notice require the owner or occupier of any building or land to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool, depression or excavation therein, which appears to the Committee to be a nuisance:

Provided that if, for the purpose of effecting any drainage under this section, it is necessary to acquire any land not belonging to such owner or occupier or to pay compensation to any other person, the Committee shall provide the land or pay the compensation.

Power to require noxious growth to be cleared.

187. The Committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be a nuisance.

Power to require the removal from near water supply of any receptacle for filth.

188. The Committee may, by notice, require any owner or occupier on whose land any drain, privy, latrine, urinal, cess-pool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source form which water is or may be derived for public use, to remove or close the same within a reasonable period spceified in the notice.

Power to Prohibit use of bad water.

189. If the Committee considers that the water in any well, tank or other place is likely, if used for drinking, to endanger or cause the spread of any infectious disease, it may—

(a) by public notice prohibit the removal or use of such water for drinking;

(b) by notice require the owner or person having control over such well, tank or place to take such steps as may be specified in the notice to prevent the public from having access to or using such water; or

(c) take such steps as it may consider expedient to prevent the danger or spread of any such disease.

Power to take measures against cattle disease.

190. If in or near any Municipality any infectious disease amongst horses, cattle, sheep, goats or hens breaks out, or if the introduction of any such disease appears to be likely, it shall be lawful for the Committee to take all such measures as it may deem necessary for the purpose of preventing, meeting, mitigating or suppressing the disease or the outbreak or the introduction thereof.

Prevention of rabies and disposal of mad and stray dogs.

191. (1)The Committee may—

(a) authorise any person—

(i) to destroy, or cause to be destroyed or to confine, or cause to be confined for such period as the Committee may direct, any dog or other animal suffering from rabies or reasonably suspected to be suffering from rabies or bitten by any dog or other animal suffering or suspected as aforesaid;

(ii) to confine, or cause to be confined, any dog or other animal found wandering about streets or public places without collar or other marks distinguishing it as private property and to charge a fee for such detention, and to destroy otherwise to dispose of any such dog or animal if it is not claimed within one week and the fee paid;

(b) appoint from time to time by public notice a certain period within which any dog or other animal without collar or other marks distinguishing it as private property, found straying on the streets or beyond the enclosures of the house of the owner of such dog or animal, may be destroyed accordingly.

(2) No damage shall be payable in respect of any such dog or other animal destroyed or otherwise disposed under this section.

Power to provide and equip places for disinfection.

192. The Committee may—

(a) provide proper places, with all necessary attendants and apparatus, for the disinfection of conveyances, clothing, bedding, or other articles which have been exposed to infection, and

(b) cause the conveyances, clothing or other articles brought for disinfection to be disinfected free of charge or subject to such charges as may be approved by it, and

(c) direct any clothing, bedding or other articles likely to retain infection to be disinfected or destroyed, and give compensation for any article destroyed.

Compulsory vaccination.

193. Subject to provisions of the Hyderabad Vaccination Act, 1951, vaccination shall be compulsory in every Municipality in respect of such person and to such extent and in such manner as may be prescribed.

Prohibition of violation of rules regulating conservancy or reservoir and catchment area.

194. The Committee may, by notice, require any person engaged in doing any act prohibited by rules made under cause (xxviii) of sub-section (2) of section 309 to stop the doing of such act or to undo it or to take such action as it thinks fit.

(2) MOSQUITO CONTROL.

Declaration of an area for mosquito control.

195. On the recommendation of the Health Officer a Committee may declare a local area for mosquito control.

Prohibition of mosquito breeding in collections of water.

196. No person shall, after the declaration made under section 195—

(a) have, keep or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit, or allow any water within such area to form a collection in which mosquitoes breed or are likely to breed unless such collection has been so treated as effectively to prevent such breeding.

Explanation.—(1) Trough used for cattle and in frequent use shall not, until the contrary is proved be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(2) The natural presence of mosquito larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

Treatment of mosquito breeding places.

197. The Committee or any officer authorised by it in this behalf, may by notice in writing, require the owner or the occupier of any place containig any collection of standing or flowing water in which mosquitoes breed or are likely to breed, with in such time as may be specified in the notice, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological methods, as the Committee, on the recommendation of the Health Officer, may consider suitable in the circumstances.

Power of the Committee in case of default.

198. If the person on whom a notice is served under section 197 fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Committee may itself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, as if it were a municipal tax.

Protection of anti-mosquito works.

199. Where with the object of preventing the breeding of mosquitoes in any land or building, the Government or the Committee, or the owner or occupier at the instances of the Government or the Committee, has constructed any work in such land or building, the owner for the time being as well as the occupier for the time being of such land or building, shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

Prohibition of interference with certain works.

200. (1) No person shall without the consent of the Comittee, interfere with, injure, destroy or render useless, any work executed or any material or thing placed, in, under, or upon any land or building by or under the orders of the Committee with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Committee may re-execute the work or replace the materials or things, as the case may

be, and the cost of doing so, shall be recovered from such person as if it were a municipal tax.

Power of Health staff to enter and inspect premises.

201. For the purpose of enforcing the provisions contained in this chapter, the Executive Officer, Health Officer or any other officer of the Committee not below the rank of a Sanitary Inspector may, at all reasonable times after givng such notice in writing as may appear to him reasonable, enter and inspect any land or building and the occupier or the owner, as the case may be, of such land or building, shall give all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid.

(3) POWER TO REGULATE CERTAIN TRADES AND ACTIVITIES.

Licences.

202. No place within the limit of a Municipality shall be used for—

(a) any of the purposes specified in Schedule G, or

(b) any trade or operation which in the opinion of the Committee is dangerous to life, health or property or likely to create a nuisance either from its nature or by reason of the manner in which or the conditions under which, the same, is or is proposed to be carried on, except under a license obtained by the owner or occupier from the Committee.

Licences and written permission to specify conditions etc., on which they are granted.

203. (1) Whenever it is provided in this Act that that a licence or a written permission may be given for any purpose, such licence or written permission shall specify the period for which and the restrictions and conditions subject to which the same is granted, and shall be given under the signature of the Executive Officer.

Fees to be chargeable.

(2) For every such licence or written permission a fee may be charged at such rate as shall from time to time be fixed by the Committee.

Licences and written permission may be revoked, etc.

(3) Any licence or written permision granted under this Act may at any time be suspended or revoked by the Committee, if any of its restrictions or conditions is infringed or evaded by the person to whom the same has been granted or if the said person is convicted of an infringement of any of the provisions of this Act or of any rule or bye-law made thereunder in any matter to which such licence or permission relates.

Power to order the discontinuance of the use of premises for unlicenced trades.

(4) (a) If any premises are used without obtaining a licence for any of the purposes specified in section 202 or having obtained a licence is being used in contravention to the terms of such licence or is continued to be used after licence thereof has been suspended or revoked by the Committee, the Committe may at any time by written notice require that the same shall be discontinued by the person so using it;

(b) If within the period specified in such written notice, the requisitions contained therein are not carried out by the person, or owner, as the case may be, any officer authorised by the Committee in this behalf may enter the premises and cause the usage as such thereof to be discontinued.

(c) No claim shall lie against any person, for any damage or inconvenience necessarily caused by the excercise of powers under this section or for the use of any force necessary for the purpose of effecting an entrance under this section.

(5) Every person to whom any such licence or written permission has been granted shall at all reasonable times while such written permission or licence remains in force, if so required by the Committee produce such licence or written permission.

(6) The acceptance by or on behalf of the Committee of the fee for a licence or permission shall not by itself entitle the person paying the fee to th licence or permission.

Power to prohibit certain trades.

204. Whenever it is shown to the satisfaction of the Committee that any place licensed under section 202 is a nuisance, the Committee may, by notice, require the occupier of the place to discontinue the use thereof, or to use the place in such manner as will in the opinion of the Committee, render it no longer a nuisance.

Power to regulate the keeping of cattle for business.

205. Within such limits as the Committee may determine, no milkman, cartman or keeper of hackney carriages shall keep horses, ponies or cattle for the purpose of trade or business, except under a licence and renewable anually obtained by such person from the Committee.

Power to prohibit injurious cultivation.

206. If in the opinion of the Committee, the cultivation of any description of crop, or the use of any kind of manure or the irrigation of land in any specified manner in any place within the municipality—

(a) is injurious, or facilitates practices which are injurious to the health of person dwelling in the neighbourhood, or

(b) is likely to contaminate the water supply of the Municipality or otherwise render it unfit for drinking purposes, the Committee, with the approval of the Government, may by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury.

Closure of places for the disposal of dead.

207. (1) If the Committee is of opinion that any place within its jurisdiction which is used for the disposal of dead is in such a state as to be or likely to become injurious to health, it may submit its opinion with the reasons therefor to the Government. The Government may thereupon, after such enquiry as may be necessary, by notification direct that such place shall cease to be so used from such date as may be specified in that behalf in the notification.

(2) A copy of the said notification with a translation thereof in the local language shall be posted at the office of the Committee and in one or more conspicuous spots on or near the place to which it relates and the notice therof shall also be given in the locality by beat of drum.

(3) Any person who buries or otherwise disposes of any corpse in any such place after the date specified in the said notification for the closure thereof, or buries or otherwise disposes of any corpse in any unoccupied Government land not set aside for the burial or disposal of the dead under the provisions of any law for the time being in force or by established usage, shall be punishable with fine not exceeding rupees one hundred.

Burial and cremating grounds.

208. (1) Every owner or person having the control of any place used at the date of coming into force of this Act as a place for burying, cremating or otherwise disposing of the dead shall, if such place be not already registered, apply to the Committee to have such place registered.

(2) If it appears to the Committee that there is no owner or person having the control of any such place the Committee shall assume such control and register such place or may close it.

(3) Subject to the rules made in this behalf, no new place for the disposal of dead whether private or public shall be opened, formed, constructed or used unless a licence has been obtained from the Committee.

(4) An application for a licence shall be accompanied by a plan of the place to be registered showing the locality, boundary and extent thereof, the name of the owner or person or community interested therein, the system of management and such further particulars as the Committee may require.

(5) The Committee may subject to such restrictions and conditions as it may deem fit, grant a licence or refuse to grant it.

(6) The Government may cancel or modify any order passed by a Committee under sub-section (5).

(7) The Committee may, and if no sufficient provision exists, shall, provide at the cost of the municipal fund places to be used as burial or crematoria or cremation grounds and may if it deems necessary charge fee for the use thereof.

Power to regulate slaughter of animals for sale.

209. The Committee may fix places or premises specified—

(a) for keeping animals or animals of any specified description which are to be sold for purposes of slaughter;

(b) for the slaughter of such animals; and

(c) for the sale of the flesh of such animals; and may grant and withdraw licences for the use of such places and premises.

Public markets.

210. (1) Subject to the provisions of this Act and the rules made thereunder, the Committee may establish, control and regulate public markets.

(2) The Committee may by public notice close at any time any public market or part thereof.

Licensing of private markets.

211. (1) No private person shall establish or maintain a private market except under a licence granted by the Committee.

(2) The Committee may grant a licence under this section subject to such conditions as to sanitation, drainage, water supply, width of paths and ways, and rent to be charged in such market as may be prescribed.

(3) Any person—

(a) establishing or maintaining a market for which a licence has not been granted under sub-section (2), or

(b) opening or keeping open a market for which the licence has been suspended, or cancelled, under sub-section (3) of section 203, shall be punishable with a fine which may extend to rupees one hundred and if the breach is a continuing one with a further fine which may extend to rupees ten for every day after the first, during which the breach is proved to have been persisted in.

Procedure when Committee delays grant of licence.

212. If the Committee fails to grant a licence under sub-section (2) of section 211 within a period of two months from the date of the receipt of an application for such licence, the applicant may apply to the Government, who shall in the first instance, direct the Committee to decide the application within one month from the date of such direction. If the Committee does not decide the application within the said period the Government may decide the same.

CHAPTER XII.

Powers of Entry and Inspection.

Extent of authorisation under this chapter.

213. The Committee may authorise any of its members, officers or servants to exercise the powers of entry conferred by this chapter either generally in regard to all buildings and lands or particularly in regard to specified buildings and lands or classes of buildings and lands:

Provided that no entry shall be made unless—

(a) sufficient notice is given to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed.

(b) due regard is paid, so far as may be compatible with the exagencies of the purpose for which the entry is made, to the social religious usages of the occupants of the premises entered.

Power of entry for inspecting drains, privies, cesspools, etc.

214. (1) The Committee may authorise any of its members, officers or servants to enter, between sunrise and sunset, into any building or upon any land where such inspection seems necessary for sanitary reasons or in order to inspect any stable, drain, privy, latrine,

urinal, cesspool, cable, wire, pipe, sewer or channel therein, or thereon, and to cause the ground to be opened where such person may think fit for the purpose of preventing or removing any nuisance arising from the stable, drain, privy, latrine, urinal, cesspool, cable, wire, pipe, sewer or channel.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it be found that no nuisance exists, or would not have arisen but for such opening of the ground, or portion of any building, drain or other work, if any, opened, damaged or removed for the purposes of such inspection, shall be filled in, restored and made good by the Committee.

(3) No building other than a stable, latrine, urinal or privy shall be entered under this section until reasonable notice has been given to the occupier of the building by the Committee or the person authorised by the Committee to make the entry.

Power of entry for taking measurement and for examining works under construction.

215. The Committee may authorise any person after giving reasonable notice to the occupier, or if there be no occupier, to the owner of any building or land, at any time between sunrise and sunset,—

(a) to enter on and to survey and take levels or measurements of any building or land;

(b) to enter into and to measure any building for the purpose of valuation;

(c) to enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which the Committee is by this Act empowered to execute or to maintain.

Power of entry for Inspecting gas, water and other installations.

216. The Committee may authorise any person to enter at any reasonable time into any building or upon any land for the purpose of inspecting or repairing gas, water, telephonic electric or other installations and for taking readings of meters connected therewith.

Power of entry in certain cases for purposes connected with scavenging.

217. (1) The Committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any drain, privy, latrine, urinal, cesspool or other receptacle for offensive matter pertaining to any building or land, with the consent of the occupier of the building or land, or without such consent, if the occupier fails to make arrangements to the satisfaction of the Committee for the performance of such duties.

(2) If the Committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the person employed by it to perform the same may enter upon the property at all reasonable times so far as may be necessary for the proper discharge of those duties, and the Committee may authorise any person to enter upon the property at any reasonable time for the purpose of ascertaining that such duties have been duly performed.

Power to enter if infectious disease is suspected.

218. (1) The Health Officer or any officer authorised by him may at all reasonable hours, with or without assistants, inspect any place in which any infectious disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like, and after giving such notice as may appear to him reasonable in other cases including dwelling-houses, and may take such measures as he may consider necessary to prevent the spread of such disease beyond such place.

(2) The powers conferred by sub-section (1) on the Health Officer may, in Town Municipalities, be exercised by the President, Executive Officer or by any person authorised by the President.

Power of entry for discovery of animal or vehicles liable to taxation.

219. The Committee may authorise any of its members, officers or servants any time between sunrise and sunset, to enter and to inspect any garage, stable, coach-house or other place wherein there is reason to believe that there is any animal or vehicle which is liable to be taxed by the Committee and for which the tax has not been duly paid.

Power in respect of inflammable or explosive material when stored in excess of authorised quantity.

220. (1) The Committee may authorise any person, at any reasonable time, to enter upon and to inspect any house or building which is suspected to contain petroleum or any other explosive or inflammable material in excess of the quantity permitted to be kept in such house or building under any law, or under any rule, bye-law or public notice made or published under such law.

(2) Should any such excess quantity of such material be discovered, it may be seized and held subject to such orders as the Collector or Deputy Collector may make with respect thereto.

Power to deal with articles unfit for human consumption.

221. (1) The Committee may authorise any of its members, officers or servants to enter into and inspect, at any reasonable time any market, building, shop, stall or place used for the storage of articles of food or drink or of drugs, or use for the slaughter of animals, and to examine any article of food or drink or any drug or animal, which may be therein; and if any such article of food or drink, drug or animal therein appears to be intended for human consumption and to be unfit therefor, to seize the same.

(2) If the owner or person, in whose possession such articles drug or animal is found, consents thereto the authorised person may destroy it, or dispose of it so as to prevent its being exposed for sale or used for human consumption.

(3) If such consent is not given, the authorised person shall give a receipt for the article, drug, or animal seized, and shall remove it forthwith and place it before a Magistrate for orders under section 286.

(4) Before removing any article of food or drink, or any drug, the authorised person shall cause a sample thereof to be taken and sealed in the manner prescribed in section 222.

Power to take samples.

222. (1) The Committee may authorise any of its members, officers or servants to make requisition of any article intended for human consumption or any drug, exposed for sale, and upon tendering by such member, officer, or servant the price for a quantity required for purposes of analysis the person exposing the same for sale shall be bound to sell such quantity.

(2) Any sample taken under the provisions of sub-section (4) of section 221 or sub-section (1), shall be

fastened up and sealed in the presence of the person in whose possession it is found, or if such person refuses to witness such fastening and sealing, in the presence of two or more respectable inhabitants of the locality.

Power to require boundary walls, hedges, etc. to be constructed or removed.

223. (1) The Committee may, by public notice, prohibit the construction of boundary walls, hedges, or other fences of any material or description which in its opinion is unsuitable, unsightly or otherwise objectionable.

(2) The Committee may, by notice, require the owner or occupier of any land.—

(a) to remove from the land any boundary wall, hedge or other fence which, in its opinion is unsuitable, unsightly or otherwise objectionable,

(b) to construct on the land sufficient boundary walls, hedges, or other fences of such material, description and dimensions as may be specified in the notice.

(c) to maintain the boundary walls, hedges, or other fences on the land in good order.

Explanation.—In this section the expression, "hedges, boundary walls or other fences" includes all necessary gates and the posts or pillars thereof.

Power to make connection for water and sewage.

224. The Committee may, at any time, establish any connection or communication from any water-main, drain or sewer to any premises, or may, by notice, require the owner or occupier of any premises to establish at his cost any such connection or communication, in such a manner, and within such time as the Committee may, by notice in that behalf, specify.

Use of steam whistles, etc.

225. (1) No person shall, without the written permission of the Committee, use or employ in any factory or other place any steam whilstle or steam trumpt for the purpose of summoning or dismissing workmen or persons employed.

(2) In granting such permission, the Committee may impose such conditions as it may think proper as to the times at which the whistle or trumpet may be used, and it may revoke any such permission by giving a weeks' notice.

Removal to hospital of patients suffering from infectious diseases.

226. When any person suffering from any infectious disease is found to be—

(a) without proper lodging or accommodation,

(b) living in **serai** or other public place.

(c) living in a room or house which he neither owns nor for which he pays rent.

(d) lodged in premises occupied by members of two or more families and any of such occupiers objects to his continuing to lodge in such premises,

the Committee, or any person authorised by it in this behalf, may, on the advice of any medical officer of rank not inferior to that of an Assistant Health Officer remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal and for the medical treatment and comfort of the patients so removed.

CHAPTER XIII.

Water Supply and Fire Service.

(1) WATER SUPPLY.

Municipal Water Works, water connection and water works.

227. In this chapter and wherever occurring in this Act—

(i) "Municipal Water Works" means the water works which vest in or is managed by the Committee under this Act.

(ii) "Water connection" includes any tank, cistern,, hydrant, stand pipe, meter or tap situated in any property and connected with a water main or pipe belonging to the Committee.

(iii) "Water Works" includes a lake, stream, spring well, pump, reservoir, cistern tank, duct whether covered or open sluice, main pipe, culvert engine water truck, hydrant, stand pipe, conduit and machinery, land, building or thing for supplying or used for supplying water or for protecting services of water supply.

Maintenance of water supply.

228. (1) In every town administered by a Committee where a sufficient supply of protected water for domestic use does not already exist, the Committee shall provide or arrange for the provision of such supply where it can be obtained at a reasonable cost.

(2) Notwithstanding anything contained in sub-section (1) the Government may make a water supply arrangement out of Government funds to supply protected water for domestic use in a town administered by a Committee.

(3) The Government may at any time entrust the management of the water supply arrangement made under sub-section (2) to a Committee.

Power to require maintenance of and closing of private source of public drinking water supply.

229. The Committee may, by notice in writing, require the owner or any person having the control of municipal water works which is used for drinking purposes—

(a) to keep the same in good order and to clean it from time to time of silt, refuse and decaying vegetation,

(b) to protect the same from contamination in such manner as the Committee may direct,

(c) if the water therein is proved to the satisfaction of the Committee to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to or using such water:

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the Committee for the use of the public, and, if he does so, he shall not be bound to carry out the requisition, and the Committee shall undertake the control and supervision of the well.

Supply of water.

230. (1) The Committee may permit the owner, lessee, or occupier of any building or land to connect the building or land with municipal water works by means of communication pipes, of such size and description as it may prescribed for the purpose of obtaining water for domestic use.

(2) The occupier of every building so connected with the water supply shall be entitled to have for domestic use, in return for the water fees, if any, such quantity of water as the Committee may fix.

(3) The supply of water for domestic use shall not be deemed to include any supply—

(a) for animals or for washing vehicles where such animals or vehicles are kept for sale or hire;

(b) for any trade, manufacture or hire;

(c) for fountains, swimming baths or for any ornamental or mechanical purposes;

(d) for gardens or for purposes of irrigation;

(e) for making or watering roads or paths;

(f) for building purposes.

Provision of meter when water supplied by measurement.

231. (1) Where water is supplied by measurement, the Committee may either provide a meter and charge the consumer for the same such rent as shall from time to time be fixed in this behalf by the Committee or may permit the consumer to provide a meter of his own of such size, material and description as the Committee shall approve for this purpose.

(2) The Committee shall at all times keep all meters and other instruments for measuring water, let for hire to any person, in proper order for correctly registering the supply of water, and in default of so doing such person shall not be liable to pay rent during such times as such default continues.

(3) Where water is supplied by measurement the register of the meter or other instrument for measuring water shall be **prima facie** evidence of the quantity consumed.

Power to require water supply to to taken.

232. Subject to rules made under this section, if it appears to the Committee that any building or land in the Municipality is without a proper supply of protected water, the Committee may, by notice in writing, require the owner, lessee or occupier of the building or land to obtain from municipal water-works such quantity of water as is adequate to the requirements of the persons usually occupying or employed upon the building or land, and to provide communication pipes of the prescribed size and description and to take all necessary steps for the above purposes.

Supply of water under agreements.

233. (1) The Committee may, by agreement, supply the owner, lessee or occupier of any building or land in the Municipality with any water from municipal water works for any purpose, other than domestic purpose, on such terms and conditions consistent with this Act and the rules and bye-laws made thereunder as may be agreed upon between the Committee and such owner, lessee or occupier.

(2) The Committee may withdraw such supply or curtail the quantity thereof at any time if it should appear necessary to do so for the purpose of maintaining a sufficient supply of water for the domestic use of the inhabitants of the town.

Committee not liable for failure of supply.

234. Notwithstanding any obligation imposed on the Committee under this Act, the Committee shall not be liable to any forfeiture, penalty or damages for failure to supply water or for curtailing the quantity thereof, if the failure or curtailment, as the case may be, arises from accident or from draught or other unavoidable cause unless, in the case of an agreement for the supply of water under section 233 the Committee has made express provision for forfeiture, penalty or damages in the event of such failure or curtailment.

Conditions of universal application.

235. Notwithstanding anything hereinbefore contained or anything contained in any agreement under section 233 the supply of water by the Committee to any building or land shall be, and shall be deemed to have been granted subject to the following conditions, namely—

(a) the owner, lessee, occupier of any building or land in or on which water is supplied by the Committee, shall, if it is wasted by reason of the pipes, drains or other works being out of repair shall if he has knowledge thereof give notice of the same to such officer as the Committee may appoint in this behalf;

(b) the Executive Officer, Municipal Engineer or any other Officer or servant of the Committee, authorised by it in writing in this behalf, may enter into or any premises supplied with water by the Committee for the purpose of examining all pipes, taps, works and fittings connected with the supply of water and of ascertaining whether there is any waste or misuse of such water;

(c) the Committee may, after giving notice in writing, cut off the connection between municipal waterworks and any building or land to which water is supplied for any purpose whatsoever or turn off such supply if—

(i) the owner or occupier of the building or land neglects to pay the water fees or other charges connected with the water supply within one month from the date on which such fees or charge falls due for payment;

(ii) the occupier refuses to admit the Executive officer, Municipal Engineer or other authorised officer or servant of the Committee in to the building or land for the purpose of examination or ascertainment under clause (b) or prevents the making of such examination or ascertainment;

(iii) the occupier wilfully or negligently misuses or causes waste of water; or

(iv) the occupier wilfully or negligently injures or damages his meter or any pipe or tap carrying water from the water-supply works;

(v) any pipes, taps, works or fittings connected with the supply of water to the building or land are found, on examination under clause (b) to be out of repair to such an extent as to cause waste of water;

(d) the expense of cutting off the connection or of turning off the water-supply in any case referred to in clause (c) shall be paid by the owner or occupier of the building or land;

(e) no action taken under or in pursuance of clause (c) shall relieve any person from any penalty or liability which he may otherwise have incurred.

Supply to persons outside Municipality.

236. The Committee may allow any person not residing within the limits of the Municipality to take or be supplied with water for any purpose from any source of public water supply on such terms and conditions as it may deem fit, and may, at any time withdraw or curtail such supply.

(2) FIRE SERVICE.

Establishment and maintenance of fire brigades.

237. For the prevention and extinguishment of fire, the Committee may establish and maintain a fire brigade and may provide any implements, machinery or means of communicating the intelligence which the Committee may think necessary for the efficient discharge of duties by the brigade.

Powers of suppression of fires.

238. (1) On the occurrence of a fire within the limits of a Municipality, the Collector, or Deputy Collector or Tahsildar having jurisdiction or the President or Executive Officer, or any Police Officer not below the rank of Head Costable, or any member in charge of a fire brigade maintained by the Committee then and there directing the operations of men belonging to the brigade, may,

(a) remove or order removal of any person, who by his presence interferes with or impedes the operations of extinguishing the fire or for saving life or property.

(b) close any street or passage in or near which any fire is burning,

(c) for the purpose of extinguishing fire, break into or through or pull down or cause to be broken into or through or pulled down, or use the passage of houses or other appliances,

(d) cause mains and pipes to be shut off, so as to give greater pressure of water in or near the place where fire has occurred.

(e) call on the persons in charge of any fire engine to render such assistance as may be possible, and

(f) generally, take such measures as may appear necessary for the preservation of life or property.

(2) When any Government building is endangered by such a fire, any Government officer for the time being in charge of the building may exercise the powers conferred by sub-section (1).

(3) No person shall be liable to pay compensation for any act done by him in good faith under sub-section (1).

Restrictions on such powers.

239. The powers conferred by section 238 shall be subject to such rules, conditions and restrictions as may be prescribed.

Power to prohibit use of inflammable materials in roofs and walls.

240. The Committee may direct that, within such areas as may be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed or grass, mats, leaves or other inflammable materials, without the written permission of the Committee, and the Committee may, by notice, require any person to remove or alter the roofs or walls so made or renewed as it may think fit.

Powers to prohibit collection of inflammable materials or lighting fires.

241. The Committee may, where it appears to be necessary for the prevention of danger to life or property, by public notices, prohibit all persons from stocking or collecting grass, straw, cotton, wood, timber or other inflammable materials or placing mats or thatched huts or lighting fires, in any places or within any limits specified in the notice.

Power to require precautions in places of public entertainment.

242. The Committee may, by notice, require the manager or proprietor of any place of public entertainment to make reasonable provision for the prevention and extinguishment of fire and for the easy exit of the audience in case of fire.

Fire Brigades provided by Government.

243. (1) Notwithstanding anything contained in section 237, the Government may, if it so deems necessary, establish and maintain a fire-brigade in a Municipality and may also provide necessary implements and machinery for the efficient discharge of the duties by such brigade.

(2) The provisions of section 238 and the rules made under section 239 shall be applicable to fire-brigades established under sub-section (1).

CAPTER XIV.

Town Planning.

Preparation of master plan, town development plan and layouts.

244. (1) (a) Subject to such rules as may be prescribed there shall be prepared a Master Plan for the area within the limits of the Municipality,

(b) the Committee may for the purposes of clause (a) arrange to carry out the survey of the area within the limits of the Municipality and of the land contiguous or adjacent thereto and shall submit to the Government a report of the survey together with the Master Plan indicating the manner in which the area within the limits of the Municipality and the land contiguous or adjacent thereto shall be used and the stages by which the Master Plan shall be carried.

(c) the Master Plan shall include such maps and such descriptive matters as may be deemed necessary to illustrate the proposals, and in particular:

(i) define the present use of every piece of land within the limits of the Municipality and in the land contiguous or adjacent thereto ;

(ii) define the sites of the proposed roads, public and other open spaces, or allocate areas of land for use for agricultural, residential, industrial or other purposes of any class specified in the plan;

(iii) designate the land subject to compulsory acquisition under the powers in that behalf confer-

red by this Act or any other law for the time being in force.

(d) the Government may by notification in the Official Gazette declare any area within the limits of the Municipality to be a Master Plan area and shall sanction in the prescribed manner a Master Plan thereto.

(2) Till such time as a Master Plan is sanctioned under clause (d) of sub-section (1) the Government may notify any area within or without the limit of a Municipality as an area in which no building is to be erected or re-erected except in accordance with a piecemeal Town Development Plan, or a layout sanctioned by the Government in the manner prescribed. Such Town Development Plan or layout shall, subject to minor alteration be incorporated in the Master Plan.

(3) No report shall be made under clause (b) of sub-section (1) in respect of land falling outside the limits of a Municipality and no notification in respect thereof shall be issued under sub-section (2) without consulting the local authority within whose jurisdiction the land is situated.

Notification of sanction of Master Plan, Town Development Plan or local layouts.

245. (1) As soon as the Master Plan or any Town Development Plan or a layout is sanctioned under section 244 the same shall be published in the Official Gazette. The place where and the time when the said plan shall be open to inspection by the public shall also be specified.

(2) Any plan published under sub-section (1) shall be conclusive proof of its being duly made and sanctioned by the Government and shall be effective from the date of its publication:

Provided that the Government may vary or revoke the Master Plan, Development Plan or a layout and direct the deferment of the execution of any such plan or any part thereof to such date as it may determine.

Verification or revocation of Plan or layout.

246. Where the plans or layouts sanctioned under section 244 are at any time after giving effect to varied or revoked, any person incurring expenditure in compliance with the sanctioned plan or layout so varied or revoked and on preferring a claim in respect thereof shall be compensated by the Committee.

247. No person shall erect or re-erect any building except in accordance with the Master Plan, Town Development Plan or local layout sanctioned under section 244.

Obligation of owners to comply or layout after sanction.

248. From the date of publication of a Master Plan, Development Plan or layout under section 245 all owners of lands and buildings in the area affected by the plan or layout, who propose to erect or re-erect or in any way alter or add to buildings, shall conform in every particular with the requirements, of such plan or layout, and no building shall be erected or re-erected in any area which building is expressly forbidden in the plan or layout, or which is reserved in the plan or layout for any purpose incompatible with building.

Notice to discontinue breach of the provisions of a Master Plan, Town Development Plan or layout.

249. After publication of a Master Plan, Development Plan or local layout under section 245 the authority responsible for the execution of such plan or layout shall, if he has reason to believe that any person commits or knowingly permits a breach of any provision of such plan or layout or neglects or fails to comply with such provision cause to be served on such person a notice calling on him to discontinue the breach or cause it to be discontinued or comply with such provision within one month from the date of service of such notice.

Power of entry, etc.

250. For the purpose of making or execution of a Master Plan, Town Development Plan or layout the authority prescribed therefor and the subordinates and contractors of such authority may subject to the provisions of section 213 and after giving reasonable notice to the occupier or, if there be no occupier, to the owner of any property, be entitled at any time between sunrise and sunset to enter upon, survey and set up marks on any property and do all acts necessary for such purpose.

Application of Land Acquisition Act.

251. Immovable property required for the purpose of a Master Plan, Town Development plan or layout shall be deemed to be land needed for a public purpose within the meaning of the Hyderabad Land Acquisition Act, 1309 Fasli (IX of 1309 F.)

CHAPTER XV.

Supervision.

Power of Government to cause inspections.

252. (1) The Government or any officer not below the rank of a Collector duly authorised by Government in this behalf may—

(a) inspect or cause to be inspected any immovable property or any work in progress under the control and management of any Committee;

(b) call for any extract from the proceedings of a Committee, sub-committee or joint committee, and call for or inspect any book or document in the possession of or under the control of a Committee, sub-committee, Joint Committee or Officer of the Committee;

(c) require any Committee, sub-committee, Joint Committee or Officer of the Committee, to furnish any return, plan, estimate, statement, account or report or any other information or statistics which he may consider neecssary;

(d) require a Committee to take into consideration—

(i) any objection which appears to exist to the doing of anything which is about to be done by such Committee or,

(ii) any information furnished by the Government or the said officer which necessitates the doing of a certain thing by such Committee and to make a written reply in respect thereof within a reasonable time stating its reasons for doing or not doing such thing.

(2) (a) Where the Government or the Officer referred to in sub-section (1) is of opinion that the execution of any resolution or order passed by the Committee or the doing of any act which is about to be done or is being done by or on behalf of the Committee is in contravention of or in excess of powers conferred by this Act or any law for the time being in force or is likely to lead to a breach of peace, the Government or the said Officer may by order in writing suspend the execution of such resolution or order or prohibit the doing of any such Act:

Provided that before suspending such resolution under this clause the Government or the said Officer shall Communicate to the committee the grounds for such suspension, fix a reasonable period for the Committee to show cause against the proposal and consider its explanation and objection, if any;

(b) a copy of such order shall forthwith be sent to the Committee by the Government or the said Officer;

(c) The Government or the said Officer may at any time on representation by the Committee or otherwise revise, modify or revoke any order passed under clause (a) ;

(3) If it appears to the officer referred to in sub-section (1) that the Executive Officer or any other officer of a Committee has made default in carrying out any resolution of the Committee he shall after giving such officer a reasonable opportunity of explanation, send a report hereon together with the explanation, if any, of such officer to the Government and at the same time forward a copy of th same to the Committee.

Power of Government to provide for performance of duties in default of the Committee.

253. (1) When the Government is informed on complaint made or otherwise that a Committee has made default in performing any duty imposed on it by or under this Act or the rules made thereunder or under any law for the time being in force, the Government, if satisfied after due enquiry that the committee has been guilty of the alleged default, may by order fix a period for the perfomrance of that duty :

Provided that no such order shall be made unless the Committee has been given an opportunity to show cause why such an order shall not be made.

(2) If that duty is not performed within the period so fixed, the Government may appoint some persons to perform it, and may direct that the expenses of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the Committee.

(3) If the expenses and remuneration are not so paid the Government may make an order directing the Officer-in-charge of the treasury or bank in which the Municpal Fund is kept or the whole or portion thereof is deposited or lent on interest, to pay such expenses and remuneration from such moneys as may be standing to the credit of the Committee in such treasury or bank or as may, from time to time, be received from or on behalf of the Committee by way of deposit by such treasury or bank, and such officer or bank shall be bound to obey such order. Every payment made in pursuance of such order shall be sufficient discharge to such officer or bank from all liability to the Committee in respect of any sum or sums so paid out of the money so received or standing to the credit of the committee in such treasury or bank.

Dissolution and reconstitution of Committees in case of emergency.

254. (1) If in the opinion of the Government, a Committee persistently makes default in performing the duties imposed on it under this Act or the rules made thereunder or any other law for the time being in force, or exceeds or abuses its powers or a situation exists in which the Municipal administration cannot be carried on in accordance with the provisions of this Act, or the financial stability or credit of the Committee is threatened, it may, by notification published in the Official Gazette direct that the Committee be dissolved and reconstituted. The notification shall specify the time within which the Committee shall be reconstituted :

Provided that for the purpose of completing the elections to a Committee which has been dissolved, the Government may from time to time, extend the time fixed under this sub-section for a further period not exceeding six months.

(2) Before publishing a notification under sub-section (1) the Government, shall communicate to the Committee concerned the grounds on which they propose to do so, fix a reasonable period for the Committee to show cause against the proposals and consider the explanations and objections, if any of such Committee.

(3) Upon publication of such notification, all members of the Committee, including its Presidents and Vice-Presidents, shall forthwith be deemed to have vacated their offices as such and fresh election shall be held in accordance with the provisions of this Act.

(4) The term of the office of the elected members of the reconstituted Committee, or the members elected in their places at casual vacancies shall expire on such date as the Government may fix.

(5) During any interval between the dissolution and the reconstitution of a Committee under sub-section (1), all or any of the powers of the Committee and of its President may be exercised and discharged, as far as may be and to such extent as the Government may determine by such person or persons as the Government may appoint in that behalf ; and any such person may, if he is not a Collector or Deputy Collector, receive payment for his service, if the Government so directs.

(6) When a Committee is dissolved, the Government, until the date of reconstitution thereof and the reconstituted Committee thereafter, shall respectively be entitled to all the assets and be subject to all the liabilities of

the Committee as on the date of dissolution and on the date of the reconstitution.

CHAPTER XVI.

General Provisions, Notices and Appeals.

(1) GENERAL PROVISIONS.

Powers of Committee in case of non-compliance of notice.

255. Whenever the terms of any notice requiring any act to be done have not been complied with, the Committee may after a reasonable notice, get the required act done through its officers.

Recovery of costs of execution.

256. (1) If under this Act, the owner or occupier of any property is required by the Committee to execute any work, and default has been made in complying with the requirement and the Committee has executed the work, the Committee may recover th cost of the work from the person in default.

(2) For the purposes of this section, as between themselves and the Committee, both the owner and the occupier shall be deemed to be indefault, but as between the owner and the occupier, the person upon whom the duty of doing the required act would fall, either by law or in pursuance of the contract of tenancy, shall be deemed to be primarily in default.

(3) If the person primarily in default is the owner, and the Committee has recovered the whole or any part of the cost from the occupier, or the occupier has executed the work as required by the Committee or paid the cost upon its demand, such occupier may deduct the sum so expended, recovered or paid, from the rent from time to time becoming due from him to the owner or may otherwise recover it from such owner:

Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to the owner, in respect of rent due at the date of such demand as aforesaid or thereafter accruing due, unless he has refused on a requisition made to him by the Committee, to disclose the amount of his rent and the name and address of person to whom it is payable, but the burden of proof that the sum so demanded by the Committee from the occupier exceed the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) If any sum is recoverable by the Committee under

this section and is payable by the owner of property, it shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract or other obligation between an owner and an occupier.

Relief to Agent and trustees.

257. (1) If any person, by reason of his receiving the rent of immovable property as agent, receiver or trustee, or of his being, as agent, receiver or trustee, the person who would receive the rent, if the property were let to a tenant, is, under this Act, bound to discharge any obligation imposed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hand funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the fact entitling an agent, receiver or trustee to relief under this section shall be on him.

(3) If any agent, receiver, or trustee has claimed and established his right to relief under this section, the Committee may give him notice to apply to the discharge of such obligation as aforesaid, the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

Powers of Committee to call for evidence.

258. The Committee or a sub-committee thereof shall have the powers of a Civil Court for the purpose of enforcing the attendance of witnesses and compelling the production of documents and every person required by the Committee to furnish any information before it shall be legally bound to do so within the meaning of section 176 of the Indian Penal Code, 1860 (XLV of 1860).

(2) NOTICES.

Defect in Form and fixation of time in notices.

259. (1) No notice issued under the provisions of this Act or the rules made thereunder shall be invalid merely on account of any defect in its form.

(2) If any notice under this Act requires any act to be done for which no time is fixed by this Act, a reasonable time shall be fixed in the notice for doing the same.

Publication of public notice.

260. Every notice which this Act or the rules made thereunder require or empower a Committee to give or to serve, either as a public notice, or generally, or by provisions which do not expressly require notice to be given to individuals therein specified, shall be deemed to have been sufficiently given or served if it has been published by proclamation made by beat of drum in the locality and a copy thereof has been pasted to a notice board at the Office of the Committee or on such other public building or place as the Committee may decide or has been published in any newspaper having a circulation in the area under the jurisdiction of the Committee.

Service of notices.

261. Notices, bills, summonses and other such documents required by this Act or by any rule, regulation or bye law made thereunder to be served upon or issued, presented or given to any person, shall be served, issued, presented or given by municipal officers or servants or by other persons authorised by the Executive officer in this behalf.

Mode of service.

262. When any notice, bill, summons or other document is required by this Act, or by any rule, regulation or bye-law made thereunder to be served upon or issued or presented to any person or owner or occupier of any premises, such service, issue or presentation shall be made—

(a) by delivering or tendering to such person a copy thereof signed by the Executive Officer or any other officer authorised by him in this behalf;

(b) if there are more than one owner or occupier by delivering or tendering a copy thereof to any one of the owners or occupiers;

(c) wherever it is practicable, service shall be made on the addressee in person, unless he has an agent empowered to accept service, in which case, service on such agent shall be sufficient;

(d) in case the person does not reside within the municipal limits, service on any manager or agent, who at the time of service, personally carries on such business or works for such person within such limits, shall be deemed to be good service;

(e) where the person has no manager or agent empowered to accept service of the notice, bill or summons on his behalf, service may be be made on any adult male member of the family;

Explanation:—A servant is not a member of the family within the meaning of clause (c);

(f) where the servicing officer delivers or tenders a copy thereof to the addressee personally, or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original copy;

(g) where the person or his agent or such other person as aforesaid refuses to sign the acknowledgement, or where the serving officer, after using all due and reasonable diligence cannot find the person, and there is no agent empowered to accept service of the notice, bill or summons on his behalf, nor any other person on whom service can be made, the serving officer shall affix a copy thereof on the outer door or some other conspicuous part of the house in which the person to whom it is addressed, ordinarily resides or carries on business or personally works for gain and shall then return the original to the Executive Officer by whom it was issued, with a report endorsed thereon or annexed thereto, stating that he has so affixed the copy, the circumstances under which he did so, the name and address of the person (if any) by whom the house was identified and in whose presence the copy was affixed;

(h) the serving officer shall, in all cases in which the notice, bill, or summons has been served under clause (e) endorse or annex or cause to be endorsed, or annexed, on or to the original copy thereof, a return stating the time when and the manner in which it was served and the address of the person, if any, identifying the person served and witnessing the delivery or tender of such notice, bill or summons.

(3) APPEALS.

Bar of appeals.

263. No appeal shall lie against any order made under this Act except as provided by this Act.

Appeals to the District Judge.

264. An appeal shall lie from the following orders passed by a Committee to the District Judge within whose jurisdiction the municipality is situated:

(1) any final order of assessment of any tax under Chapter IX;

(2) an order granting or refusing to refund any tax under the rules made under section 134,

(3) an order requiring huts or sheds to be taken down and removed under section 157,

(4) an order refusing permission to connect or communicate with any pipe, drain, sewer or channel under section 169.

(5) an order requiring unoccupied buildings to be made secure under section 181,

(6) an order requiring dangerous places to be made safe under section 182,

(7) an order requiring ruinous structures to be removed or repaired under section 184,

(8) an order requiring the removal of nuisance under section 186.

(9) an order requiring a person to maintain private source of Municipal Water Works under section 229.

Appeals from orders of Town Committees

265. An appeal shall lie from the following orders passed by a Town Committee to the Collector or such other officer as may be empowered by the Government in this behalf, whose decision shall be final :

(a) an order granting or refusing permission to erect or re-erect a building under section 150;

(b) an order to alter or demolish a building under section 154;

(c) an order granting or refusing permission to establish a factory, workshop or work-place with reference to section 158 ;

(d) an order requiring proper provision of drains under section 160 :

(e) an order requiring alteration of drains and latrines under section 161;

(f) an order requiring the pulling down or otherwise dealing with the building constructed on drains under section 164 ;

(g) an order requiring the removal, from near water supply, of a receptacle for filth under section 188;

(h) an order granting or refusing to grant a licence for certain trades or activities under section 202;

(i)an order suspending or revoking a licence under sub-ection (3) of section 203;

(j) an order requiring the discontinuance of trades and activities, etc., under sub-section (4) of section 203;

(k) an order requiring the discontinuance of a nuisance under section 204;

(l) an order granting or refusing to grant a licence for private market with reference to sub-section (2) of section 211;

(m) an order requiring the owner to obtain water from municipal water works under section 232;

(n) an order of surcharge under the rules made under clause (xvii) sub-section (2) of section 309.

Appeals from orders of City Municipal Committee.

266. An appeal shall lie from the following orders passed by a Municipal Committee or the Executive Officer thereof, as the case may be, to the Collector or such other officer not below the rank of Collector as may be empowered by the Government in this behalf, whose decision shall be final:—

(a) an order to fine, reduce, suspend or dismiss any municipal servant under clause (e) of sub-section (3) of section 71 ;

(b) an order granting or refusing permission to erect or re-erect a building under section 150;

(c) an order to alter or demolish a building under section 154;

(d) an order granting or refusing permission to establish a factory, workshop or work-place with reference to section 158 ;

(e) an order requiring proper provision of drains under section 160;

(f) an order requiring alteration of drains and latrines under section 161;

(g) an order requiring the pulling down or otherwise dealing with the building constructed on drains under section 164;

(h) an order requiring the removal, from near supply of a receptacle for filth under section 188;

(i) an order granting or refusing to grant a licence for certain trades and activities under section 202 ;

(j) an order suspending or revoking a licence under sub-section (3) of section 203 ;

(k) an order requiring the discontinuance of trades and activities, etc., under sub-section (4) of section 203;

(l) an order requiring the discontinuance of a nuisance under section 204;

(m) an order granting or refusing to grant a licence for private market with reference to sub-section (2) of section 211;

(n) an order requiring the owner to obtain water from a municipal water works under section 232;

(o) an order of surcharge under the rules made under clause (XVII) sub-section (2) of section 309;

Limitation

267. An appeal under section 265 and 266 shall not be admitted unless it is preferred within thirty days from the date of the order appealed from:

Provided that any appeal preferred under this section or under any other provision of this Act, may be admitted after the period specified, is the appellant satisfies the Appellate Authority that he bad sufficient cause for not preferring the appeal within the said period.

Form of appeal, stay of proceedings, and decision in appeals.

268. (1) Every appeal shall be preferred in the form of a memorandum signed by the appellant or his pleader and presented to the Appeallate Authority. The memorandum shall be accompanied by a copy of the order appealed from.

(2) The memorandum shall setforth, concisely and under distinct heads, the grounds of objections to the order appealed from without any argument or narrative; and such grounds shall be numbered consecutively.

(3) An appeal shall not operate as a stay of proceedings under an order appealed from, except so far as the Appellate Authority may order, nor shall execution of an order be stayed, by reason only of an appeal having been preferred from the order but the Appellate Authority may, for sufficient cause, order the stay of execution of such order.

(4) No order for stay of execution shall be made under sub-section (3) unless the Appellate Authority is satisfied—

(a) that substantial loss may result to the party applying for stay of execution unless the order is made;

(b) that the application has been made without unreasonable delay; and

(c) that security has been given by the applicant for the due performance of such order as may ultimately be binding upon him.

(5) The Appellate Authority may make an exparte order for stay of exceution pending the hearing of the application.

(6) The Appellate Authority, after hearing the parties or their pleaders and referring to any part of the proceedings to which reference may be considered necessary, shall record his decision. Such decision may be for confirming, varying or reversing the order from which the appeal is preferred. The Appellate Authority may, if it thinks fit by order remand the case. It shall have power to make any order which ought to have been made and make such further order as the case may require.

(7) In every appeal the Appellate Authority may award costs at its discretion. Costs awarded to a Committee shall be recoverable by the Committee as though they were Municipal tax due from the appellant. If the Committee fails to pay any costs awarded to an appellant, within thirty days after the date of the order for the payment thereof, the Appellate Authority may order the persons having the custody of the balance of the Municipal Fund to pay the amount.

Revision.

269. (1) The Government may, at any time for the purposes of satisfying itself as to the correctness, legality or propriety of any proceedings of or order passed by the Committee, Collector or any officer subordinate to the Government or Committee acting in exercise of any power or authority conferred by or under this Act, call for and examine the record of any case pending before or disposed of by such officer and may pass such order with reference thereto as it thinks fit:

Provided that, no order shall be reversed unless notice has been given to the parties interested to appear and be heard in support of such order.

CHAPTER XVII.

OFFENCES, PENALTIES AND PROCEDURE.

(1) Contravention of provisions of the Act.

Penalty for evasion of payment of any tax.

270. Whoever deliberately evades, or attempts to evade to the payment, wholly or partly, of any tax which is due from him under this Act, shall be punishable with a fine not exceeding rupees fifty.

Laying out building upon new street without permission.

271. (1) Whoever lays out, makes or builds upon any new street, either without giving the notice as required by sub-section (1) of section 145 without waiting for, or otherwise than in accordance with the instructions issued by the Committee, or in any manner contrary to any provisions of this Act or of any rule or bye-law made thereunder, shall, in addition to any penalty to which he may be liable under section 274, be punishable with fine which may extend to rupees two hundred and fifty.

(2) The Committee may cause any street so laid out or made to be altered, and any building erected in such street (contrary to their directions) to be altered or removed, and the expense thereby incurred shall be recovered by the Committee from the offender as if it were a municipal tax.

Penalty for contravention of the provisions of section 244.

272. Whoever, after an area has been duly allocated for industrial purposes under section 244, erects a factory elsewhere, shall be punishable with fine which may extend to Rupees One thousand and the Committee shall cause any factory thus erected to be removed and the expenses of such removal shall be recovered by the Committee from the offender as if it were a municipal tax.

Improper use of water.

273. Whoever—

(a) in contravention of the provisions of section 230 uses for other than domestic purposes any water supplied by a Committee for domestic use; or

(b) in contravention of the provisions of section 233 uses for any other purpose water supplied by a Committee under an agreement for a specified purpose;

shall be punishable with fine which may extend to rupees fifty, and the committee shall also be entitled to recover from him the price of the water so used.

General section regarding offence.

274. (1) Except as otherwise provided in this Act, whoever—

(a) contravenes any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part I of the table in schedule H or of any rule or order made thereunder; or

(b) fails to comply with any requsition lawfully made upon him under any of the said sections, sub-

sections or clauses shall be punishable for each of such offences with a fine which may extend to the amount mentioned in that behalf in the second column of the said part.

(2) Whoever after having been convicted of—

(a) contravening any provision of any of the sections, sub-sections or clauses mentioned in the first column of Part II of the table in Schedule H, rule or order made thereunder, or

(b) failing to comply with any requisition lawfully made upon him under any of the said sections, subsections or clauses, continues to contravene the said provision or to neglect to comply with the said requisition or fails to remove or rectify any work or thing done in contravention of the said provision, or fails to vacate any premises, as the case may be,

shall be punished for each day after the first during which the offence is proved to have been persisted in a fifine which may extend to the amount mentioned in that behalf in the second column of the said part.

(2) OTHER OFFENCES AND PENALTIES.

Disobedience of orders not punishable under any other section.

275. Whoever disobeys any lawful directions given by public notice under the powers conferred by this Act or any notice lawfully issued under the powers so conferred, or fails to comply with the conditions subject to which any permission was given to him under these powers, shall if, no penalty for such offence is provided elsewhere in this Act or the rules or bye-laws made thereunder, be punishable with a fine which may extend to fifty rupees, and, in case of continuing breach, with a further fine which may extend to five rupees for each day after the first during which breach is proved to have been persisted in :

Provided that if the notice fixes a time within which a certain act is to be done and no time is specified in this Act, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Act.

Disturbing direction-posts and lamps.

276. Whoever, without the authority of the Committee defaces or disturbs any direction-posts or extinguishes any light maintained by the Committee in any street or public place, shall be punishable with a fine which may extended to rupees twenty.

Destroying or defacing names or numbers.

277. Whoever destroys, pulls down or defaces any name or number put up under section 146 by an order of the Committee, or puts up any different name or number, shall be punishable with a fine which may extend to rupees twenty.

Penalty for defacing building, etc.

278. Whoever—

(a) without the consent of the owner or occupier fixes any poster, bill or other paper or means of advertisement against or upon any building, wall board, or fence, or

(b) without such consent as aforesaid, writes upon soils defaces or marks any such building, wall, board, or fence with chalk or paint or in any other way whatsoever,

shall be punishable with a fine which may extend to rupees one hundred.

Depositing or throwing earth, rubbish, etc. on roads or into drains.

279. Whoever, without the written permission of the Committee or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, refuse, rubbish, or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with a fine which may extend to rupees fifty.

Discharging sewage.

280. Whoever, without the written permission of the Committee, causes or allows the water of any sink, sewer or cesspool or any other offensive matter, to flow, drain or be put upon any street or public place or into any sewer or drain not set apart for the purpose, shall be punishable with a fine which may extend to rupees fifty.

Feeding animals on deleterious substance.

281. Whoever feeds, or allows to be fed on any deleterious substance, filth or refuse of any kind, any animal which is kept for dairy purposes or intended for human consumption, shall be punishable with a fine which may extend to rupees fifty.

Allowing animals to be at large.

282. Whoever wilfully or negligently lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause injury, danger, alarm, or annoyance to any person or obstruct or endanger the the public traffic or cause damage to property, or allows any ferocious dog to be at large without a muzzle, shall

be punishable with a fine which may extend to rupees fifty.

Keeping swine or other animal without permission.

283. Whoever keeps any swine without the written permission of the Committee, or keeps them otherwise than in conformity with the terms of such permission, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals, or so as to become a nuisance, shall be punishable with a fine which may extend to rupeees fifty and with a further fine which may extend to rupees five for every day after the first during which the offence is proved to have been persisted in.

Failure to give information regarding infectious diseases.

284. (1) Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any infectious disease any dwelling other than a public hospital, and every manager of any factory or public building, every keeper of a sarai, dharmashala, hotel or lodging-house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, an infectious disease shall, if the case has not already been reported,. give information thereof with the least practicable delay, to the President, Executive Officer, Health Officer or Sanitary Inspector.

(2) A breach of sub-section (1) shall be punishable with a fine which may extend to rupees fifty.

Explanation.—In this section 'medical practioner' includes a Hakim, Vaidya or Homoepath.

Acts done by persons suffering from certain disorders.

285. Whoever, knowing that he is suffering from any infectious disease—

(a) makes or offers for sale any article or food or drink for human consumption or any medicine or drug, or

(b) wilfully touches any such article, medicine or drug, when exposed for sale by others, or

(c) takes any part in the business of washing or carrying clothes,

shall be punishable with a fine which may extend to rupees twenty.

Possession of article or animals unfit for human consumption or adulterated drug.

286. If any animal, article or drug is brought before a Magistrate under sub-section (3) of section 221, the Magistrate, on its being proved that the article or animal was intended for human consumption and is unfit therefor, or that the drug is adulterated in such a manner as to lessen its efficacy or to change its operation or to render it noxious may order the article or animal to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for human consumption, and the drug to be dealt with as he may think fit, and may direct that the owner or person in possession of such article, animal or drug shall be punished with fine which may extend to rupees one hundred:

Provided that a person who is in possession of any article or animal or drug as a carrier or bailee, shall not be liable to a fine under this section.

Flying kites or engaging in any game to cause danger.

287. Whoever flies kites or engages in any game, in such a manner as to cause or to be likely to cause danger or annoyance to persons passing by or working in the neighbourhood or risk or injury to property, shall be punishable with a fine which may extend to rupees twenty.

Dangerous quarrying, blasting, cutting timber, or building.

288. Whoever quarries, blasts, fells trees, cuts timber or carries on building operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with a fine which may extend to rupees fifty.

Powers and duties and Police in respect of offences and assistance to authorities.

289. (1) Any Police Officer employed within the limits of the Municipality and, in the absence of a Police Officer, any officer of the Committee empowered in this behalf by the general or special order of the Government, may arrest any person committing in his view any offence punishable under sections 277 and 287—

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address or there is reason to doubt the accuracy of the name and address given.

(2) A person arrested under this section may be detained until his name and address, are correctly ascertained :

Provided that if the person has been arrested by an officer of the Committee, the said officer shall hand him over to the Police Officer of the nearest police station:

Provided further that no person so arrested shall be detained longer than is necessary for bringing hem before a Magistrate, unless an order of a Magistrate for his detention is obtained.

Police protection at fairs, etc.

290. The Government may provide for special police protection if in the opinion of the Government, such protection is required on the occasion of any fair, agricultural show or industrial exhibition managed by a Committee or on the occurrence of any epidemic disease.

(3) Procedure relating to Offences.

Cognizance of offences.

291. (1) Unless otherwise expressly provided, no courts shall take cognizance of any offence punishable under this Act or any rule or bye-law made thereunder, except on the complaint of, or upon information received from the Committee or any person authorised by the Committee in this behalf.

(2) The Committee may authorise any person to make complaints or give information, without previous reference to the Committee, either generally in regard to all offences against this Act and any rules or bye-laws made thereunder, or particularly in regard only to specified offences or offences of a special class.

(3) Such person may be authorised by virtue of his office, if he is the President, Vice- President, Executive Officer, Municipal Engineer, Health Officer, or the officer in charge of a police station; in other cases the authority shall be by name. The authority shall in all cases be in writing and may, at any time, be cancelled by the Committee.

Power of the Committee to initiate prosecutions and proceedings.

292. The Committee may direct the prosecution of any person for any public nuisance and may order the proceedings to be taken for the recovery of any penalty and for the punishment of any person offending against the provisions of this Act, or of any rules or bye-laws made thereunder.

Limitation for prosecutions.

293. No prosecution for an offence under this Act or any rule or bye-law made thereunder shall be instituted except within three months next after the commission of such offence.

Power to compound offences.

294. (1) The Committee or with the authorisation of the Committee, its President, or any other officer empowered in this behalf, by the committee may compound,

except electoral offences, any offence against this Act or any rule, bye-law made thereunder which, under the the law for the time being in force, may legally be compounded.

(2) On the payment of the amount by way of composition, no further proceedings shall be taken in regard to the offence or alleged offence so compounded.

(3) Authorisation under sub-section (1) to accept composition for alleged offence may be given by the Committee either generally in regard to all offence under this Act and the rules and bye-laws made thereunder or particularly in regard only to specified offences of a specified class, and may, at any time, be withdrawn by the Committee.

(4) Electoral Offences.

Punishment for offences of preparing false list of voters or making false entries in the list of voters.

295. Any officer or servant who knowingly prepares or makes an entry in the list of persons qualified to be registered in the list of voters which is incorrect or false shall on conviction be punishable with imprisonment of either description which may extend to six months or with fine which may extend to rupees five hundred.

Prohibition of public meetings on the election day.

296. (1) No person shall convene, hold or attend any public meeting, within any constituency on the date or dates on which a poll is taken for an election in that constituency.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to rupees two hundred and fifty.

Disturbances at election meetings.

297. (1) Any person who at a public meeting to which this section applies, acts, or incites others to act, in a disorderly manner for the purpose of preventing the transaction of the business for which the meeting was called together, shall be punishable with fine which may extend to rupees two hundred and fifty.

(2) This section applies to any public meeting of a political charcter held in any constituency between the date of the issue of a notification under this Act calling upon the constituency to elect a member or members and the date on which such election is held.

(3) If any police officer reasonably suspects any person of committing an offence under sub-section (1),

he may, if requested so to do by the Chairman of the meeting, require that person to declare to him immediately his name and address, and if that person refuses or fails so to declare his name and address, or if the police officer reasonably suspects him of giving a false name or address, the police officer may arrest him without warrant.

Maintenance of secrecy of voting.

298. (1) Every officer, clerk, agent or other person who performs any duty in connection with the recording or counting of votes at an election shall maintain, and aid in maintaining, the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

Person at elections not to act for candidates or to influence voting.

299. (1) No person who is a Returning Officer, or an Assistant Returning Officer, or a **PRESIDING** or **POLLING OFFICER** at an election, or an officer or clerk appointed by the Returning Officer or the Presiding Officer to perform any duty in connection with an election shall, in the conduct or the management of the election, do any act (other than the giving of vote) for the furtherence of the prospects of the election of a candidate.

(2) No such person as aforesaid, and no member of a police force, shall endeavour—

(a) to persuade any person to give his vote at an election, or

(b) to dissuade any person from giving his vote at an election, or

(c) to influence the voting of any person at an election in any manner.

(3) Any person who contravenes the provisions of sub-section (1) or sub-section (2) shall be punishable with imprisonment which may extend to six months or with fine or with both.

Prohibition of canvassing in or near polling stations.

300. (1) No person shall, on the date or dates on which a poll is taken at any polling station, commit any of the following acts within the polling station or in any public or private place within a distance of one hundred yards of the polling station, namely :—

(a) canvassing for votes; or

(b) soliciting the vote of any elector; or

(c) persuading any elector not to vote for any particular candidate; or

(d) persuading any elector not to vote at the election; or

(e) exhibiting any notice or sign (other than an official notice) relating to the election.

(2) Any person who contravenes the provisions of sub-section (1) shall be punishable with a fine which may extend to rupees two hundred and fifty.

(3) An offence punishable under this section shall be cognizable.

Penalty for disorderly conduct in or near polling station.

301. (1) No person shall, on the date or dates, on which a poll is taken at any polling station,—

(a) use or operate within or at the entrance of the polling station, or in any public or private place in the neighbourhood thereof, any appartus for amplifying or reproducing the human voice, such as a megaphone or a loudspeaker, or

(b) shout or otherwise act in a disorderly manner, within or at the entrance of the polling station or in any public or private place in the neighbourhood thereof, so as to cause annoyance to any person visiting the polling station for the poll, or so as to interfere with the work of the officers and other persons on duty at the polling station.

(2) Any person who contravenes, or wilfully aids or abets the contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to three months or with fine or with both.

(3) If the presiding officer of a polling station has reason to believe that any person is committing or has committed an offence punishable under this section he may direct any police officer to arrest such person, and thereupon the police officer shall arrest him.

(4) Any police officer may take such steps, and use such force, as may be reasonably necessary for preventing any contravention of the provisions of sub-section (1), and may seize any apparatus used for such contravention.

Penalty for misconduct at the polling station.

302. (1) Any person who during the hours fixed for their poll at any polling station misconducts himself or fails to obey the lawful directions of the presiding officer may be removed from the polling station by the presiding officer or by any police officer on duty or by any person authorised in this behalf by such presiding officer.

(2) The powers conferred by sub-section (1) shall not be exercised so as to present any voter who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

(3) If any person who has been so removed from a polling station re-enters the polling station without the permission of the presiding officer, he shall be punishable with imprisonment for a term which may extend to three months or with fine or with both.

(4) An offence punishable under sub-section (3) shall be cognizable.

Penalty for illegal hiring or procuring of conveyances at elections.

303. If any person is guilty of any such corrupt practice, as is specified in clause (vi) of sub-section (1) of section 22 at or in connection with an election, he shall be punishable with a fine which may extend to rupees two hundred and fifty.

Removal of ballot papers from polling station to be an offence.

304. (1) Any person who at any election fraudulently takes or attempts to take, a ballot paper out of a polling station, or wilfully aids or abets the doing of any such act, shall be punishable with imprisonment for a term which may extend to one year or with a fine which may extend to rupees five hundred or with both.

(2) If the presiding officer of a polling station has reason to believe that any person is committing or has committed, an offence punishable under sub-section (1), such officer may before such person leaves the polling station arrest or direct a police officer to arrest such person and may search such person or cause him to be searched by a police officer :

Provided that when it is necessary to cause a woman to be searched, the search shall be made by another woman with strict regard to decency.

(3) Any ballot paper found upon the person arrested on search shall be made over for safe custody to a police officer by the presiding officer, or when the search is made by a police officer, shall be kept by such officer in safe custody.

(4) An offence punishable under sub-section (1) shall be cognizable.

Breach of official duty in connection with elections.

305. (1) If any person to whom this section applies is without reasonable cause guilty of any act or omission in breach of his official duty, he shall be punishable with a fine which may extend to rupees five hundred.

(2) No suit or other legal proceedings shall lie against any such person for damages in respect of any such act or omission as aforesaid.

(3) The persons to whom this section applies are the Collector, Returning Officers, Assistant Returning Officers, Presiding Officers, Polling Officers and any other person appointed to perform any duty in connection with the preparation of the list of voters, the receipt of nominations or withdrawal of candidatures, or the recording or counting of votes at an election and the expression "official duty" shall for the purpose of this section be construed accordingly but shall not include duties imposed otherwise than by or under this Act or the rules thereunder.

Other offences and penalties therefor.

306. (1) A person shall be guilty of an electoral offence if at any election he—

(a) fraudulently defaces or fraudulently destroys any nomination paper; or

(b) fraudulently defaces, destroys or removes any list, notice of other document affixed by or under the authority of a Returning Officer; or

(c) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper or any declaration of identity or official envelop used in connection with voting by postal ballot; or

(d) without due authority supplies any ballot paper to any person; or

(e) fraudulently puts into any ballot box anything other than the ballot paper which he is authorised by law to put in; or

(f) without due authority destroys, takes, opens or otherwise interferes with any ballot box or ballot papers then in use for the purposes of the election; or

(g) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts or wilfully aids or abets the doing of any such acts.

(2) Any person guilty of an electoral offence under this section shall—

(a) if he is a Returning Officer or an Assistant Returning Officer or a Presiding Officer at a polling station or any other officer or clerk employed on official duty in connection with the election be punishable with imprisonment for a term which may extend to two years or with fine or with both ;

(b) if he is any other person, be punishable with imprisonment for a term which may extend to six months with fine or with both.

(3) For the purposes of this section, a person shall be deemed to be on official duty if his duty is to take part in the conduct of an election or part of an election including the counting of votes or to be responsible after an election for the used ballot papers and other documents in connection with such election, but the expression "official duty" shall not include any duty imposed otherwise than by or under this Act or the rules thereunder.

(4) An offence punishable under clause (b) of sub-section (2) shall be cognizable.

Prosecution regarding certain offences.

307. (1) If the Government has reason to believe that an offence punishable under sections 295, 299, 305 or under clause (a) of sub-section (2) of section 306 has been committed with reference to any election by a Returning Officer, Assistant Returning Officer or a Presiding or Polling Officer it shall be the duty of the Government to cause such enquiries to be made and such prosecution to be instituted as the circumstances of the case may require.

(2) No court shall take cognizance of any offence punishable under sections 295, 299, 305 or under clause (a) of sub-section (2) of section 306 unless there is complaint made by the order of or under authority from the Government.

CHAPTER XVIII.

Rules and bye-laws.

General provisions regarding rules.

308. (1) All rules for which provision is made in this Act shall be made by the Government and shall be laid before the Legislative Assembly.

(2) Such rules may be general for all Committees or may be special for the whole or any part of the area sub-

ject to the jurisdiction of any one or more Committees, as the Government may direct.

(3) All rules shall be subject to previous publication.

(4) In making any such rules, the Government may direct that a breach thereof shall be punishable with a fine which may extend to rupees two hundred and where the breach is a continuing one, with a further fine, which may extend to rupees five for every day after the first, during which the breach is proved to have been persisted in.

Matters as to which rules may be made.

309. (1) In addition to any power specially conferred by this Act, the Government may make rules generally for the purpose of carrying into effect all or any provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules with regard to—

(i) the delimitation of constituencies under section 9, the preparation and publication of list of voters under sections 12 and 13, the mode, time and conduct of election of members under section 16, the filling up of casual vacancies under section 38, the lodging of return of election expenses, with reference to clause (j) of sub-section (1) or section 27 and the election of President and Vice-President under section 35,

(ii) the decision of doubts and disputes relating to the election of President, Vice-President and members by the Election Tribunal under sections 24 and 30, the evidence to be admitted, the procedure to be followed, the powers to be exercised by such Tribunal, in making enquiries, including power to indemnify witnesses against civil or criminal proceedings and to enforce orders made in such enquiries,

(iii) the cases in which the disability of persons found guilty of corrupt or illegal practice at an election held under this Act may be removed,

(iv) the moving of a no-confidence motion against the President or the Vice-President under clause (c) of section 36,

(v) the formation, constitution, procedure and term of office of members of Sub-Committees and the dele-

gation to Sub-Committees of powers, duties and functions with reference to section 39,

(vi) the powers and functions of the President, with reference to section 41,

(vii) the appointment, conditions of service, etc., of officers and servants under section 65,

(viii) the appointment, conditions of service, etc., of officers and servants under section 66,

(ix) the appointment of technical and inspecting officers and their estabilshment, their duties, powers and conditions of service, the procedure to be followed for paying salaries and allowances to them and their establishment and the apportionment of expenses attending the appointment and entertainment of such officer and their establishment and other charges pertaining thereto or arising therefrom, with reference to section 67,

(x) the duties and powers of Executive Officer with reference to section 71,

(xi) the conduct of business in meeting of the Committee and interpellation of the President by the Members under Chapter IV,

(xii) the independent authority which the Committee may exercise in respect of public institutions, maintained out of its fund, with reference to section 75.

(xiii) the powers of the Committee to compromise any suit instituted by or against the Committee or any claim or demand with reference to section 85,

(xiv) the duties and discretionary powers of a Committee with reference to sections 86 and 87,

(xv) the meeting of expenditure from the Municipal Fund with reference to section 88,

(xvi) the preparation, form and items of annual estimates of income and expenditure and the date of submission of budget estimates, with reference to sections 92 and 93,

(xvii) the acounts to be kept and statement to be submitted and the audit of such accounts under section 94 and in particular regarding—

(a) financial powers of Committee and its officers,

(b) The appointment, payment and powers of Municipal fund auditors,

(c) the authorities to whom such auditors shall be subject.

(d) the manner of audit and the way in which audit reports are to be disposed of,

(e) the surcharging upon the Committee or upon all or any of its members or its officers and servants or other persons, for any improper expenditure of the Committee's funds or any loss or waste of the Committee's funds or resources caused by negligence, impropriety or dishonesty,

(f) the prefering of appeals or other remedies against surcharge orders,

(g) the power of the Committee and its President and the other authorities to accord administrative sanction and of Municipal Engineers of all grades to accord technical sanction to estimates of municipal works,

(h) the manner in which estimates are to be prepared, works executed and paid for,

(i) the payment of bills and charges generally,

(j) the fixation of instalments of arrears of such sums due to Committees and writing off of such sums as irrecoverable,

(k) the power to reappropriate within the Budget Estimates,

(l) the control which may be exercised over Committees in respect of financial matters generally and the authorities who may exercise such control,

(xviii) the assessment, levy and collection of taxes specified under section 96, and for preventing evasion of assessment and payment, for the payment of lumpsums in composition and for fixing the fee payable for notices of demand and warrant,

(xix) the commutation of toll under section 107,

(xx) levy and collection of fees under section 122,

(xxi) the refund of any tax with reference to section 134,

(xxii) writing off the amount of tax, fees or other sums with reference to section 135,

(xxiii) the discontinuance or closure of public streets and temporary occupation of any street or land vesting in the Committee, with reference to section 138,

(xxiv) the particulars to be furnished by the per-

son laying out or making any new street with reference to section 145.

(xxv) (a) the manner in which notice of the intention to erect or re-erect a building shall be given to and disposed of by the Committee, and the delegation of the Committee's powers,

(b) the submission of site plan of the land on which it is intended to erect or re-erect such building and a plan and a specification of the building,

(c) the materials and method of construction to be used for external and common walls, roofs, drains, floors, fire-places, chimneys, latrines, privies, urinals and cesspools and the position of such fire-places, chimneys, drains, latrines, privies, urinals and cesspools,

(d) the free passage or way in front of the building,

(e) the level and width of foundation, the level of lowest floor and the stability of the structure,

(f) the height and slope of the roof above the uppermost floor upon which human beings are to live or where cooking operations are to be carried on,

(g) the ventilation and the space to be left about the building, to secure the free circulation of air and for the prevention of fire.

(h) the line of frontage where the building abuts on a street.

(i) the number and heights of the storeys which the building may consist of,

(j) the submission of documents, plans, etc., with reference to section 150.

(xxvi) the qualification of surveyors and architectural draftsmen or persons by whom plans required under section 150 are to be prepared, and of plumbers, for licensing persons to be surveyors or plumbers, for fixing the fees payable for such licences and the conditions on which the licences may be granted, and for prohibiting any alterations or repairs of fittings to water or drainage pipes or house connections being made except by plumbers so licensed,

(xxvii) the licensing of places for the disposal of the dead under section 208,

(xxviii) the regulation of public and private markets under sections 210 and 211 and collection of charitable funds, and subscription in such markets,

(xxix) the conditions for issuing licences with reference to section 211 and the fees which may be charged therefor,

(xxx) water supply by means of communcation pipes with reference to sections 230 and 232,

(xxxi) the power of suppression of fire under section 239,

(xxxii) the regulation of the lay-out, improvement and development of towns and the manner in which a master plan, or town development or a local layout shall be sanctioned by the Government under sections 244, and in particular regarding—

(a) the authority by whom master plan or town deelopment plan or a local layout shall be made and executed and the control which such authority may exercise over the Committee, its officers and subordinates with reference to section 250,

(b) the localities in the area concerned, which shall be notified as reserved for residential, factory or other purposes,

(c)the prohibitions, restrictions, limitations and conditions entailed by a notification under section 244 on existing houses, factories, trades, business and other things,

(d) the sanitary principles and building regulations to be observed in drawing up plans and lay-outs,

(e) regulating the erection or re-erection of buildings along main and by-pass roads used for through traffic in or adjoining the area concerned,

(f) restriction of buildings in the interests of the safety of aircraft using any aerodrome in or adjacent to the area within the limits of the municipality,

(g) streets or roads and improvements thereto provided in a plan or layout which shall be made or carried out at the expense of the Committee, the owners of the property or both,

(h) the levy of betterment contributions by the Committee or other authority carrying out any master plan, or town development plan or local lay-out

from the owner of any property, the value of which has increased or is likely to increase by reason of the making of such plan or lay-out,

(i) the manner in which the expenses attendant upon the making or execution of master plan or town development plan or local lay-out and the profits accruing therefrom shall be apportioned between the local authorities concerned or between them and the Government,

(j) the regulation of the manner in, and the extent to which all documents and plans prepared under these rules shall be made accessible to the public,

(xxxiii) where the supply of water in a Municipality is derived from a reservoir situated beyond the municipal limits,

(a) prohibiting doing in the reservoir, or in its vicinity or in or upon the catchment area thereof, of any act by which the quality or purity of the water or the safety of the reservoir may be impaired,

(b) regulating generally the conservancy of the reservoir and of the catchment area, and

(c) determining the compensation, if any, to be paid by the Committee to any person affected by a rule made under sub-clauses (a) or (b),

(xxxiv) for the supervision, regulation and protection, from pollution of public cisterns, water-standards, wells, tanks, springs, and other sources from which water is or may be made available, and where water is supplied from a public source to any private premises, for regulating and controlling such supply.

(xxxv) the regulation of relations between committees and other local authorities, with references to sub-section (4) of section 40,

(xxxvi) the procedure to be followed in correspondence between Government and the Committee.

(xxxvii) the guidance of the officials of Government and the Committee in all matters connected with the administration of this Act and for settling their mutual relations,

(xxxviii) the manner of publication of bye-laws made by a Committee under section 310,

(xxxix) any other matter which may be prescribed under this Act.

(2) BYE-LAWS.

General provisions regarding bye-laws.

310. (1) All-bye-laws for which provision is made in this Act, shall be made by the Committee at a special meeting.

(2) A bye-law may be general for the whole area under the jurisdiction of the Committee or special for any part of such area as the Committee may direct.

(3) No bye-law shall take effect until it has been confirmed by the Government.

(4) No bye-law shall take effect until it has been published in the manner prescribed.

(5) In making any bye-law the Committee may direct that a breach thereof shall be punishable with a fine which may extend to rupees one hundred, and, where the breach is continuing one, with a further fine which may extend to rupees five for every day after the first, during which the breach is proved to have been persisted in.

Matters for which bye-laws may be made.

311. In addition to any powers specially conferred by this Act, the Committee may make bye-laws,

(a) for regulating the proceedings of joint committees,

(b) where the imposition of toll under section 107 has been sanctioned, for fixing the limits for the purposes of such tax, and for specifying the routes by which animals or vehicles which are subject to such tax may enter the Municipality,

(c) for regulating the beating of drums and the sounding of musical instruments,

(d) for protecting from damage or interference any property vested in the Committee or under the control or management of the Committee,

(e) for inspecting and regulating the use of encamping grounds, halting places, pounds, sarais, markets, slaughter-houses, places for the disposal of dead animals, and any places of public entertainment and resort,

(f) for controlling and regulating the use and management of burial and cremating grounds, and for prohibiting the burial or cremating of corpses in places other than burial or cremating grounds,

(g) for prescribing the means by which the owner or occupier of any place which is a factory within the meaning of the Factories Act, 1948 (LXIII of 1948), shall provide for consumption of the smoke of any chimney or furnace so as to prevent the smoke from being a nuisance to any person in the neighbourhood.

(h) for licensing proprietors or drivers of vehicles, other than motor vehicles, boats other than those mechanically propelled, or animals plying for hire within the limits of the Municipality and fixing the fees payable for such licences and the conditions on which they are to be granted and may be revoked,

(i) for limiting the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance or of animals hired to carry loads where those conveyances, animals or persons are hired within the Municipality for a period not exceeding twenty-four hours or for a service which would ordinarily be performed within twenty-four hours,

(j) for securing information relating to the registration of births and deaths,

(k) for regulating buildings let as lodgings or occupied by more than one family,

(l) for controlling and regulating the duties of sweepers and other persons employed by the Committee for the clearing of drains and the removal and disposal of sewage and filth,

(m) for the regulation and control of the nature, pattern and design of the drains, ventilation shafts, pipes, water closets, privies, urinals, cess-pools and fitting and works in connection therewith, and the regulation of their construction, alteration, maintenance, preservation, cleaning and repairs,

(n) for the regulation or prohibition of discharge into drains of sewage, sullage, polluted water and other offensive or obstructive matter from private buildings and lands.

(o) for the regulation or prohibition of the construction of buildings or other structure over drains and for their alteration or removal,

(p) for regulating or prohibiting the keeping of animals of any specified description,

(q) for regulating and prohibiting the stationing of carts or keeping of animals on any ground under

the control of the Committee or the using of such ground as a halting place of vehicles or animals or place for encampment or the causing or permitting of any animal to stray,

(r) for regulating or prohibiting any particular description of traffic in the streets,

(s) for regulating the potsings of bills and advertisements, and the position, size, shape and style of name-boards, sign-boards and sign-posts,

(t) for providing for the registration of all or any specified classes of dogs,

(u) for the seizure and confiscation of ownerless stray animals and,

(v) generally for carrying out the purposes of this Act.

Power to make bye-laws as to sale of articles intended for human consumption and drugs.

312. The Committee may also make bye-laws—

(a) to regulate the manufacture, sale or exposure for sale of any specified articles intended for human consumption or drugs, either by the issue of licences necessary or otherwise,

(b) to regulate the hours and manner of transport within the Municipality of such specified articles or drugs,

(c) to fix the places in which such specified articles or drugs may or may not be sold or exposed for sale,

(d) to prohibit the sale of the flesh or animals not slaughtered at a place fixed or in accordance with a licence granted, under clause (c) of section 209,

(e) to regulate the sanitary conditions of bakeries, aerated water factories, ice factories, dairies and places where milch animals are kept for profit and,

(f) to prescribe the conditions on which licences under this Act may be granted or revoked:

Provided that no person shall be punishable for the breach of any bye-law made under clause (a) or (c) by reason of continuance of such manufacture, sale or exposure for sale upon any premises which are at the time of the making of such bye-law used for such purpose and have been so used for a period of not less than one year, until has has received from the Committee six months' notice to discontinue such manufacture, sale or exposure for sale in such premises.

CHAPTER XIX.

MISCELLANEOUS.

Mode of proof of Municipal record.

313. A copy of any receipt, application, plan, notice, order or entry in a register or other document in the possession of a Committee shall, if duly certified by the legal keeper thereof, or the person authorised by any bye-law in this behalf, be received as **prima facie** evidence of the existence of the entry or document, and shall be admitted as evidence of the matters and transactions there in record in every case, where, and to the same extent, as the original entry or document would if produced have been admissible to prove such matters.

Restriction on summoning Municipal servants to produce documents.

314. No officer or servant of the Committee shall, in any legal proceeding to which a Committee is not a party, be required to produce any register or document, the contents of which can be proved under the preceding section by a certified copy of the transactions recorded therein unless by order of a court.

Powers and duties of Police in respect of offences and assistance to authorities.

315. Every Police Officer within the limits of Munipality shall give immediate information to the Committee of any offence committed against this Act or the rules or bye-laws made thereunder and shall be bound to assist the Committee in the exercise of their lawful authority.

Effect of this Act upon the Hyderabad Cattle Trespass Act.

316. Notwithstanding anything contained in the Hyderabad Cattle Trespass Act, 1337 Fasli (V of 1337 Fasli)—

(a) the powers of the High Court and the Court of Sessions under sub-section (3) of section 26 of the said Act shall be exercisable only in respect of cases under Chapters IV and V of the said Act, and in respect of all other cases under the said Act the said powers shall be vested in the Committee;

(b) in respect of Pounds under the control or management of a Committee, the High Court shall have no powers under sub-section (4) of section 26 of the said Act and the Government may authorise any person or persons to exercise such of those powers as may be prescribed and may at any time withdraw those powers;

(c) the powers, which the High Court would otherwise exercise under section 27 of the said Act shall not be exercised by that court and the said powers shall be exercisable by the Government.

Delegation of powers of the Government.

317. The Government may by notification delegate any of its powers under this Act, except the powers to make rules to any authority, which it may deem fit or to the committee.

Control of Revenue Officers.

318. In all matters connected with this Act or the rules made thereunder, unless it is otherwise provided therein, the Government shall have and exercise over the Collectors and the Deputy Collectors and the Collectors and the Deputy Collectors shall have and exercise over the officers subordinate to them, the same authority and control as they respectively have and exercise over them in general and Revenue Administration.

Delegation of Committee's powers.

319. (1) Except the powers to make bye-laws under sections 311 and 312 and the powers delegated under section 317, the Committee may delegate all or any of its powers, under this Act to the President, Executive Officer, sub-committee, or any other officer or servant of the Committee:

Provided that the President, Executive Officer or any officer or servant of the Committee to whom powers have been so delegated shall not redelegate the said powers to any other person or authority.

(2) The Committee may at any time withdraw the powers delegated under sub-section (1).

Repeal and Savings.

320. (1) The Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951), the Hyderabad Sanitary Powers A'in, 1352 Fasli, (V of 1352 F.) and the Hyderabad Municipal Corporation and Town Committees' (Election) Act, 1951 (XXXVI of 1951), are hereby repealed; provided that:—

(a) any Committee constituted under the enactment so repealed (hereinafter referred to in this section as the said Committee) shall be deemed to have been constituted under this Act, and Members of the said Committee shall continue to hold office till the first meeting of the Committee is called under section 35;

(b) any appointment, notification, notice, tax, order, scheme, licence, permission, rule, regulation, bye-law or form made, published, issued, imposed or or granted or deemed to have been made, issued, published, imposed or granted under the said enactments and still in force shall so far as it is not inconsistant

with this Act be deemed to have been respectively made, published, issued, imposed and granted under this Act;

(c) all debts and obligations incurred, all contracts entered into and all matters and things engaged to be done by, with or for the said Committee, before this Act comes into force, shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Committee constituted under this Act;

(d) all taxes and sums of money due to the said Committee when this Act comes into force shall be deemed to be due to the Committee under this Act;

(e) all suits and other legal proceedings Civil or Criminal instituted or which might but for the passing of this Act have been instituted by or against the said Committee may be continued or instituted as if this Act had not been passed.

(2) Nothing contained in this Act shall affect the Local Authorities Loans A'in 1352 Fasli (I of 1352 Fasli).

SCHEDULE A.

(See Section 104).

Class	Half Yearly Income			Maximum Half yearly tax.
I.	More than Rs. 15,000			125 0 0
II.	,, 12,000	but not more than	15,000	100 0 0
III.	,, 9,000	,,	12,000	75 0 0
IV.	,, 6,000	,,	9,000	50 0 0
V.	,, 4,800	,,	6,000	37 0 0
VI.	,, 3,000	,,	4,800	18 0 0
VII.	,, 1,800	,,	3,000	9 0 0
VIII.	,, 1,200	,,	1,800	6 0 0
IX.	,, 600	,,	1,200	3 0 0

SCHEDULE B.
(See Section 105).

Minimum and Maximum rates of Vehicles and animal tax per annum.

			Minimum.				Maximum.		
			Rs.	a.	p.		Rs.	a.	p.
1.	Six wheeled motor lorry Truck or Bus.	1. Private	60	0	0	Private	200	0	0
		2. Taxi	75	0	0	Taxi	250	0	0
2.	Four wheeled motor lorry Truck or Bus ..	1. Private	50	0	0	Private	150	0	0
		2. Taxi	65	0	0	Taxi	175	0	0
3.	R. T. D. Bus (double decker) ..		246	0	0		300	0	0
4.	R. T. D. Bus (Single decker) ..		109	0	0		150	0	0
5.	Motor Car ..	1. Private	25	0	0	Private	50	0	0
		2. Taxi	36	0	0	Taxi	70	0	0
6.	Four wheeled animal drawn vehicle.	1. Private	4	0	0	Private	30	0	0
		2. Taxi	8	0	0	Taxi	50	0	0
7.	Two wheeled animal drawn vehicle.	1. Private	2	0	0	Private	12	0	0
		2. Taxi	4	0	0	Taxi	25	0	0
8.	Bicycle or Tricycle ..	1. Private	2	0	0	Private	6	0	0
		2. Taxi	4	0	0	TTaxi	8	0	4
9.	Motor Cycle ..	1. Private	4	0	0	Private	16	0	0
		2. Taxi	4	0	0	Taxi	20	0	0
10.	Auto Rickshaw ..	1. Private	10	0	0	Private	30	0	0
		2. Taxi	20	0	0	Taxi	45	0	0
11.	Cycle Rickshaw.	1. Private	6	0	0	Private	10	0	0
		2. Taxi	12	0	0	Taxi	20	0	0
12.	Elephant ..		16	0	0		40	0	0
13.	Dog		1	0	0		2	0	0
14.	Horse used for riding, driving, draught or burden ..		1	0	0		6	0	0
15.	Pony, Mule, used for riding, driving, draught or burden.		0	8	0		4	0	0
16.	Donkey		0	8	0		1	0	0
17.	Buffalo and bullock used for riding, driving, draught or burden ..		0	8	0		4	0	0
18.	Boat		8	0	0		28	0	0

SCHEDULE C.

(See Section 107).

Minimum and Maximum Rates of Toll.

		Minimum			Maximum		
		Rs.	a.	p.	Rs.	a.	p.
1.	Six wheeled motor bus truck or lorry ..	2	0	0	6	0	0
2.	Four wheeled bus truck or lorry ..	1	8	0	4	8	0
3.	Motor Car	0	8	0	1	8	0
4.	Motor Cycle	0	4	0	0	6	0
5.	Auto Rickshaw	0	6	0	1	0	0
6.	Bicycle or Trycycle	0	2	0	0	3	0
7.	Cycle Rickshaw	0	3	0	0	6	0
8.	Four wheeled animal drawn vehicle ..	0	8	0	1	8	0
9.	Two wheeled animal drawn vehicle ..	0	4	0	0	8	0
10.	Three or four wheeled thela	0	2	0	0	4	0
11.	Elephant	0	4	0	1	0	0
12.	Every animal used for driving, draught or burden	0	1	0	0	4	0

SCHEDULE D.

(See Section 109).

Article liable to payment of Octroi.

Articles	Maximum rates of Octroi leviable.
Grain of all sorts	2 annas per maund.
Flour of all sorts	75 per cent of the rate for the time being levied on the grain from which the flour is prepared.
Wines and sipirits	1 rupee per imperial gallon.
Beer	2 annas per imperial gallon.
Sugar, molasses and gur	12 annas per cwt.
Ghee	1 rupee per quarter.
Ghee substitutes (of whatever composition) which are not pure ghee but which resemble pure ghee and are capable of being used as substitutes for pure ghee, including hydrogenated vegetable oil.....	1 rupee per quarter.
Timber, exclusive of railway sleepers	3 per cent of its market value.
Plywood or any other kind of wood prepared by artificial process	3 per cent of its market value.
Firewood	9 annas per ton.
Charcoal	1 rupee per ton.
Tea	0 0 6 per lb.
Coal	0 7 0 per ton.
Dates (dry)	0 12 0 per cwt.

SCHEDULE D (Contd.).

Articles	Maximum Rates of Octroi leviable.
Dates (wet)	0 8 0 per cwt.
Cement	1 0 0 per ton.
Lime stones (Shahbad stones)	1 0 0 per 100 Sq. feet.
Iron and Steel	2 8 0 per ton.
Paper :—	
(a) For cards or other like purposes	1 0 0 per cwt.
(b) Strawboards	0 3 0 per cwt.
Edible :—	
(a) Bacon and Ham (b) Table Butter .. .. (c) Butter other than table butter .. .. .. (d) Fruits (canned, tinned, bottled boxed or cartoned) .. .. (e) Fish (canned, tinned, botled boxed or cartoned). .. .. (f) Chese .. .. (g) Confectionery .. .. (h) Jams and Jellies .. .. (i) Milk condensed and preserved .. .. (j) All sorts of farinaceous foods	6½ **ad valorem.**

SCHEDULE D (Contd.).

Articles	Maximum Rates of Octroi leviable
(k) Pickles	**6½ ad valorem.**
(l) Cocoa and Chocolates ..	
(m) Biscuits and Cakes ..	
(n) Lard	
(o) Fruit juices and all beverages	
(p) All kinds of food and drink not specifically provided for (canned, tinned, bottled, boxed or cartoned)	
(q) Whole milk powder ..	
(r) Skimmed milk power ..	
(s) Mawa and milk cream ..	

SCHEDULE E.

(See Section 114).

Where the payment for admission excluding the amount of entertainment Tax:	
(i) does not exceed four rupees	Not less than twelve and half per cent and not more than fourteen and half per cent on payment for admission.
(ii) exceeds for rupees but does not exceed ten rupees ..	Not less than fifteen per cent and not more than twenty per cent on payments for admission.
(iii) exceeds ten rupees ..	Twenty-five per cent on payment for admission.

SCHEDULE F.

FORM I.

Notice of Demand.

[See Section 126 (3)].

To

.....
residing at .....

Take notice that the Executive Officer, City|Town Municipality of .....demands from .....
the sum of.....due on account of.....

(Here give particulars of the tax and the property or other subject in respect of which the tax is leviable).

.....for the period of.....
commencing on.....day of.....19 , and ending on.....
day of..... 19 , and that if, within fifteen days from the service of this notice, the said sum is not paid into the Municipal Office at..... and sufficient cause for non-payment of the sum is not shown to the satisfaction of the Executive Officer, a warrant of distress will be issued for the recovery of the same with costs.

Dated this.....day of.....19 .

(EXECUTIVE OFFICER)

SCHEDULE F.

FOFM II.

FORM OF WARRANT.

[See Section 126 (4)].

To

.....

(here insert the name of the Officer charged with the execution of the Warrant).

Whereas Shri/Snrimati..... ..... of.....has not paid, or shown satisfactory cause for the non-payment of the sum of Rs. as. ps. due on account of the tax mentioned in the margin for the period of.....commencing from .....day of.....19 , and ending on the day of.....19 .....and whereas fifteen days have elapsed since the service on him/her of the notice of demand for the same :

This is to command you to distrain subject to the provisions of section 111 the goods and chattels of the said Shri/Shrimati..... or as the case may be, any goods and chattels on the premises in respect of which the said tax being the amount due from him/her as follows :

	Rs.	As.	Ps.
On account of the said tax (for issue of warrant) and			

such further sum as may be sufficient to defray the cost of recovering the said amount, and forthwith to certify to me, together with this warrant, all particulars of the goods seized by thereunder.

Dated.....day of.....19 .

(EXECUTIVE OFFICER)

SCHEDULE 'F'—(Contd.)

FORM III.

Form of Inventory and Notice.

[See Section 126 (8) (d)].

To

.....

.....

residing at .....

Take notice that I have this day distrained..... for the value of Rs. .....due for the tax mentioned in the margin for the period commencing from day of.....19 , and ending on the.....due for the service of notice of demand and Rs.....due for the issue of warrant and that unless, within five days from the date of this notice, you pay into the Municipal Office at..... said amount, together with the costs of recovery, the said goods and chattels will be sold.

Dated this.....day of..... .....19 .

Signature of Officer,
Executing the warrant

(INVENTORY).

(Here state particulars of goods and chattels seized)

SCHEDULE 'G'

Purposes for which premises may not be used without a licence.

(See Section 202)

(a) Washing soiled clothes and keeping soiled clothes for the purposes of washing them, and washed clothes.

(b) Boiling paddy or camphor.

(c) Melting tallow or sulphur.

(d) Storing or otherwise dealing with manure, offal, blood, bones, rags, hides, fish, horns or skins.

(e) Washing or drying wool or hair.

(f) Making fish-oil.

(g) Making soap, dyeing, boiling or pressing-oil, burning bricks, tiles, pottery or lime.

(h) Manufacturing or distilling sago, manufacturing artificial manure, manufacturing beedies or cigars.

(i) Manufacturing gun-powder or fire-works.

(j) Keeping a public halting place, choultry or other rest-house for travellers (other than a choultry or rest-house maintained by the Government or a local authority), a hotel, restaurant, eating-house, coffee-house, or lodging-house (other that a students' hostel under the control of public or any other body registered under the law for the time being).

(k) Keeping a shaving or hair-dressing saloon.

(l) Keeping twenty or more sheep and|or goats or ten or more pigs and|or head of cattle.

(m) Preparing flour or articles made of flour for human consumption or sweetmeats.

(n) Manufacturing ice or aerated waters.

(o) Brewing beer, manufacturing arrack or other spirit containing alcohol (whether denatured or not) by distillation.

(p) selling or storing timber, firewood, thatching materials, ha, grass, straw, fibre, coal or charcoal :

Provided that no license shall be required for the storage of timber, firewood, thatching materials, hay, grass, straw, fibre or coal or for boiling paddy when such storage or boiling is for private use.

(2) Selling wholesale or retail or storing for wholesale or retail trade or for purposes other than private or domestic use, grain, groundnut, tamarind, chillies, jaggery, pulse, flour, bran, oil-cake or agricultural produce which is likely to attract rats.

(q) Manufacturing jaggery, sugar-candy or syrup.

(r) Storing any explosive or combustible materials.

(s) Selling cotton wholesale or retail or storing cotton for wholesale or retail trade or for conversion into yarn.

(t) Manufacturing anything from which offensive or unwholesome smells arise.

(u) Using for any industrial purpose any fuel or machinery other than such machinery as may, by notification, be exempted by the Government from time to time.

(v) In general, doing in the course of any industrial process anything which is likely to be dangerous to human life or health property :—

SCHEDULE II.

Table of Penalties.

PART I.

[See Section 274 (1)].

Sections, sub-sections and clauses.	Fine which may be imposed
123	One hundred rupees.
143	Fifty Rupees.
144 (1)	Fifty Rupees.
169 (1)	Fifty Rupees.
177 (1)	Ten Rupees.
178	Fifty Rupees.
188	Twenty Rupees.
197	Fifty Rupees.
199	Two Hundred Rupees.
200	Five Hundred Rupees.
202	Fifty Rupees.
204	Two Hundred Rupees.
205	Fifty Rupees.
206	Fifty Rupees.
225 (1) and (2)	Fifty Rupees.
249	One hundred rupees.

PART II.

Penalty for continuing breaches.

[See Section 274 (2)].

Sections, sub-sections and clauses	Fines which may be imposed.
188 ..	.. Further fine of Rs. five daily.
197 ..	.. Further fine of Rs. five daily.
202 ..	.. Further fine of Rs. ten daily.
204 ..	.. Further fine of Rs. forty daily.
205 ..	.. Further fine of Rs. ten daily.
206 ..	.. Further fine of Rs. five daily.
225 (1) and (2) ..	.. Further fine of Rs. five daily.
301 ..	.. Further fine of Rs. fifteen daily.

THE HYDERABAD LOCAL GOVERNMENT SERVICE (DECLARATION AS STATE CIVIL SERVICE) ACT, 1956.

No. XX of 1956.

An Act to declare the Hyderabad Local Government Service to be a Civil Service of the State of Hyderabad.

BE it enacted in the Seventh Year of Our Republic as follows :—

Short title, extent and commencement.

1. (1) This Act may be called the Hyderabad Local Government Service (Declaration as State Civil Service) Act, 1956.

(2) It extends to the whole of the State of Hyderabad.

(3) It shall come into force on the date of its publication in the official Gazette.

Definitions.

2. In this Act,—

(a) "Local Government Service" means the service constituted under section 29 of the Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951), section 166 of the Hyderabad District Boards Act, 1955 (I of 1956), and section 130 of the Hyderabad Municipal Corporations Act, 1955 (II of 1956 ;

(b) "Local Government Service Fund" means the fund constitued under section 29 of the Hyderabad Municipal and Town Committees Act, 1951 (XXVII of 1951), section 166 of the Hyderabad District Boards Act, 1955 (I of 1956), and section 131 of the Hyderabad Municipal Corporations Act, 1955 (II of 1956).

Declaration of Local Government Service as a State Civil Service, etc.

3. Notwithstanding anything to the contrary contained in any law for the time being in force,—

(i) The Local Government Service is hereby declared to be and shall be deemed always to have been a Civil Sevrice of the State ;

(ii) with effect from the commencement of this Act, the Local Government Service Fund shall form a part of the Consolidated Fund of the State, and all expenditure in respect of the said Local Government

Service, which is by this Act declared to be a Civil Service of the State, shall be charged on the Consolidated Fund of the State;

(iii) the law for the time being in force regulating the recruitment and conditions of service of persons appointed to the Civil Services of the State shall apply and shall be deemed always to have applied to persons appointed to the said Local Government Service which is by this Act declared to be a Civil Service of the State;

(iv) on the commencement of this Act, any provision in ay law for the time being in force which is inconsitent with the provisions of this Act shall, to the extent of the inconsistency, stand repealed.

Power of Government to issue directions.

4. The Government may, from time to time, by order issue directions to give effect to the provisions of this Act.

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